



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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State Radon Statutes

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Arizona

ARS § 27-371. Radon control

Concentrations of radon gas shall not exceed such amounts as may be set by the inspector.

ARS § 27-372. Uranium operations; testing for radon daughters

In all uranium operations the operator shall test regularly for radon daughter concentration and submit such records of testing as may be required to the inspector.

ARS § 33-423. Disclosure; reports; indemnity; applicability; violation; classification

A. A disclosure report pursuant to this section may be provided to the buyer or seller of real property by a third party as authorized by the buyer or seller and shall be based on officially adopted and electronically posted or otherwise readily available governmental maps or information that discloses whether the real property is subject to one or more of the following:

8. Radon gas potential zones as shown on current maps issued by the United States environmental protection agency.

California

West's Ann.Cal.Health & Safety Code § 105430. Radon levels in new buildings; assessment and mitigation plans; building permits; cost-effective controls; operative effect of section

(a) If model construction standards and techniques for controlling radon levels within new buildings are developed by the United States Environmental Protection Agency, the State Department of Health Services may adopt the standards and incorporate them into any radon assessment and mitigation plan which may be completed by the department and which becomes operative after January 1, 1990, unless the Department of Housing and Community Development adopts radon mitigation building standards, in which case the State Department of Health Services shall adopt no standards other than the standards adopted by the Department of Housing and Community Development.

Any radon assessment and mitigation plan shall include appropriate measures designed to detect, avoid, or dissipate dangerous levels of radon gas at potential building sites or during construction of new residential buildings in areas affected by radon. Any of those measures shall be appropriately delineated so as to apply only to certain at-risk buildings and geographic areas, and the plan shall specify construction projects, building characteristics, and geographical areas to which the measures apply, to



assure ease of compliance and consistency with the findings and assessment of the United States Environmental Protection Agency regarding radon risks. The plan may include reasonable provisions for testing and detection of radon at potential building sites as well as measures to provide for the appropriate radon-dissipating ventilation and insulation of new residential construction consistent with prevailing techniques.

(b) If regulations are adopted by the department to implement any radon assessment and mitigation plan completed by the department after January 1, 1990, no city, county, or other governmental agency may issue a permit to construct any building subject to state department regulation to any applicant who does not first comply with testing or building standards which may be implemented pursuant to this section.

(c) Any building standards which may be adopted pursuant to this section shall become effective as provided by Section 17958.

(d) In developing regulations pursuant to this section, the state department shall consider the methods and techniques which can provide an adequate level of safety at the lowest cost in order to reduce the impact on housing prices.

(e) Subdivisions (a) to (d), inclusive, shall only become operative if federal funds are available to the department for the purposes specified in this section, as determined by the department.

West's Ann.Cal.Health & Safety Code § 106750. Establishment of certification requirements

This article establishes requirements for radon certification.

West's Ann.Cal.Health & Safety Code § 106775. "Radon services"

"Radon services" means any of the following:

- (a) The analysis of radon detectors or testing for radon or radon decay products by a commercial laboratory.
- (b) The performance of radon or radon progeny measurements in buildings by an individual person who provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon related activities.
- (c) The repair or alteration by an individual person of a building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.

West's Ann.Cal.Health & Safety Code § 106780. Performance of radon services; prerequisites

(a) Except as provided in Section 106790, no person may provide radon services for the general public, or represent or advertise that he or she may provide radon services unless that person meets both of the following requirements:

- (1) Successfully completes the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.
- (2) Submits to the department a copy of certificate demonstrating successful completion of either program.

(b) Persons certified to provide radon services shall successfully complete and submit to the department proof of completion of the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program every two years after initial certification.

(c) A copy of the current certificate of completion shall be submitted to the department at least 14 days prior to conducting radon services within the state.

West's Ann.Cal.Health & Safety Code § 106785. List of certified persons

The department shall maintain a list of persons that have submitted proof of certification by either the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program. This list shall be made available to the public.

West's Ann.Cal.Health & Safety Code § 106790. Exemptions

This article does not apply to a person in any of the following circumstances:

- (a) The person is testing for, or mitigating radon in a building that the person owns or occupies.
- (b) The person is designing or conducting mitigation measures to prevent against radon infiltration or accumulation in new construction.
- (c) The person is performing scientific research regarding testing or mitigation of radon, but only if the person informs the owner and the occupant of the building of all of the following:

- (1) That the person is not certified by the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program.
- (2) Any test results are neither certified nor valid for legal purposes.
- (3) Any mitigation methods suggested or used are experimental.

West's Ann.Cal.Health & Safety Code § 106795. Violations; penalty

It is unlawful for an individual to provide radon services in violation of this article. A violation of this article is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000).

West's Ann.Cal.Health & Safety Code § 25417.1

The department shall publish a new edition of the consumer information booklet described in Section 10084.1 of the Business and Professions Code. The booklet shall, among other things, be in substantial compliance with the federal disclosure requirements regarding the safe management of lead and radon gas in housing, and shall be made available to the public on or before the date on which the Secretary of Housing and Urban Development submits to Congress the report required pursuant to subpart (B) of subdivision (d) of Section 4822 of Title 42 of the United States Code.

West's Ann.Cal.Bus. & Prof.Code § 10084.1 Consumer education booklet, environmental hazards; development and contents

(a) Notwithstanding Section 10450.6, on or before January 1, 1991, the department, using funds appropriated from the Education and Research Account in the Real Estate Fund, shall develop a booklet to educate and inform consumers on all of the following:

- (1) Common environmental hazards that are located on, and affect, real property. The types of common environmental hazards shall include, but not be limited to, asbestos, radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and water and soil contamination.
- (2) The significance of common environmental hazards and what can be done to mitigate these

hazards.

(3) What sources can provide more information on common environmental hazards for the consumer.

(b) The department shall seek the advice of the Office of Environmental Health Hazard Assessment to assist it in determining the contents of the booklet prepared pursuant to this section, and shall seek the assistance of the Office of Environmental Health Hazard Assessment in the writing of the booklet.

Colorado

CRSA § 25-7-109.3. Colorado hazardous air pollutant control and reduction program—rules

IN PART:

(5)(a) The substances listed in or pursuant to section 112(b) of the federal act, and the following substances, are declared to be hazardous air pollutants and are subject to regulation by the commission under this section:

(LI) 10043-92-2 Radon decay products

C.R.S.A. § 6-1-105. Deceptive trade practices

IN PART:

A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(II) Knowingly makes a false representation as to the results of a radon test or the need for radon mitigation;

Connecticut

CT ST § 10-220. Duties of boards of education

IN PART:

(d) Prior to January 1, 2008, and every five years thereafter, for every school building that is or has been constructed, extended, renovated or replaced on or after January 1, 2003, a local or regional board of education shall provide for a uniform inspection and evaluation program of the indoor air quality within such buildings, such as the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following: (1) The heating, ventilation and air conditioning systems; (2) radon levels in the air; (3) potential for exposure to microbiological airborne particles, including, but not limited to, fungi, mold and bacteria; (4) chemical compounds of concern to indoor air quality including, but not limited to, volatile organic compounds; (5) the degree of pest infestation, including, but not limited to, insects and rodents; (6) the degree of pesticide usage; (7) the presence of and the plans for removal of any hazardous substances that are contained on the list prepared pursuant to Section 302 of the federal Emergency Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including water distribution systems, drainage systems and fixtures; (10) moisture incursion; (11) the overall cleanliness of the facilities; (12) building structural elements, including, but not limited to, roofing, basements or slabs; (13) the use of space, particularly areas that were designed to be unoccupied; and (14) the provision of indoor air quality maintenance training for building staff. Local and regional boards of education conducting evaluations pursuant to this subsection shall make available for public inspection the results of the inspection and evaluation at a regularly scheduled board of education meeting and on the board's or each individual school's web site.

CT ST § 10-231f. Indoor air quality committee

Each local and regional board of education may establish an indoor air quality committee for each school district or facility to increase staff and student awareness of facets of the environment that affect the health of the occupants of school facilities including, but not limited to, air quality, water quality and the presence of radon. Such committee shall include, but not be limited to, at least one administrator, one maintenance staff member, one teacher, one school health staff member, one parent of a student and two members-at-large from the school district. No local or regional board of education, superintendent or school administrator may prohibit a school safety committee established pursuant to section 10-220f from addressing indoor air quality issues that affect the health of occupants of school facilities.

C.G.S.A. § 10-291. Approval of plans and site. Expense limit

IN PART:

(b) The Department of Education shall not approve a school building project plan or site, as applicable, if:

- (1) The site is in an area of moderate or high radon potential, as indicated in the Department of Environmental Protection's Radon Potential Map, or similar subsequent publications, except where the school building project plan incorporates construction techniques to mitigate radon levels in the air of the facility;

C.G.S.A. § 19a-14b. Radon mitigators, diagnosticians and testing companies. Regulations

(a) For the purposes of this section and sections 20-420 and 20-432, the following terms shall have the following meanings unless the context clearly denotes otherwise:

- (1) "Radon diagnosis" means evaluating buildings found to have levels of radon gas that are higher than the guidelines promulgated by this state or the United States Environmental Protection Agency and recommending appropriate remedies to eliminate radon.
- (2) "Radon mitigation" means taking steps including, but not limited to, installing ventilation systems, sealing entry routes for radon gas and installing subslab depressurization systems to reduce radon levels in buildings.
- (3) "Analytical measurement service providers" means companies or individuals that have their own analysis capability for radon measurement but may or may not offer measurement services directly to the public.
- (4) "Residential measurement service providers" means individuals that offer services that include, but are not limited to, detector placement and home inspection and consultation but do not have their own analysis capability and utilize the services of an analytical measurement service provider for their detector analysis.
- (5) "Residential mitigation service providers" means individuals that offer services that include, but are not limited to, radon diagnosis or radon mitigation.

(b) The Department of Public Health shall maintain a list of companies or individuals that are included in current lists of national radon proficiency programs that have been approved by the Commissioner of Public Health.

(c) The Department of Public Health shall adopt regulations, in accordance with chapter 54, [FN1] concerning radon in drinking water that are consistent with the provisions contained in 40 CFR 141 and 142.

C.G.S.A § 19a-37b. Regulations establishing radon measurement requirements and procedures for evaluating radon in indoor air and reducing radon in public schools

The Department of Public Health shall adopt regulations pursuant to chapter 54 [FN1] to establish radon

measurement requirements and procedures for evaluating radon in indoor air and reducing elevated radon gas levels when detected in public schools.

C.G.S.A. § 20-327b. Residential condition reports. Exemption. Regulations

IN PART:

(a) Except as otherwise provided in this section, each person who offers residential property in the state for sale, exchange or for lease with option to buy, shall provide a written residential condition report to the prospective purchaser at any time prior to the prospective purchaser's execution of any binder, contract to purchase, option or lease containing a purchase option. A photocopy, duplicate original, facsimile transmission or other exact reproduction or duplicate of the written residential condition report containing the prospective purchaser's written receipt shall be attached to any written offer, binder or contract to purchase. A photocopy, duplicate original, facsimile transmission or other exact reproduction or duplicate of the written residential condition report containing the signatures of both seller and purchaser shall be attached to any agreement to purchase the property.

(2) Such form of the written residential disclosure report shall contain the following:

(F) Information concerning environmental matters such as lead, radon, subsurface sewage disposal, flood hazards and, if the residence is or will be served by well water, as defined in section 21a-150, the results of any water test performed for volatile organic compounds and such other topics as the Commissioner of Consumer Protection may determine would be of interest to a buyer.

C.G.S.A § 20-420. Registration of contractors and salesmen required. Contractors performing radon mitigation. Contractors performing removal or replacement of residential underground heating oil storage tank systems

IN PART:

(a) No person shall hold himself or herself out to be a contractor or salesperson without first obtaining a certificate of registration from the commissioner as provided in this chapter, except that an individual or partner, or officer or director of a corporation registered as a contractor shall not be required to obtain a salesperson's certificate. No certificate shall be given to any person who holds himself or herself out to be a contractor that performs radon mitigation unless such contractor provides evidence, satisfactory to the commissioner, that the contractor is certified as a radon mitigator by the National Radon Safety Board or the National Environmental Health Association. No certificate shall be given to any person who holds himself or herself out to be a contractor that performs removal or replacement of any residential underground heating oil storage tank system unless such contractor provides evidence, satisfactory to the commissioner, that the contractor (1) has completed a hazardous material training program approved by the Department of Environmental Protection, and (2) has presented evidence of liability insurance coverage of one million dollars.

C.G.S.A. § 20-427 Holder to exhibit and advertise certificate, when. Prohibited acts. Penalties. Certificates not transferable. Expiration. Renewal. Building permits

IN PART:

(d) The commissioner may, after notice and hearing in accordance with the provisions of chapter 54, [FN1] impose a civil penalty on any person who engages in or practices the work or occupation for which a certificate of registration is required by this chapter without having first obtained such a certificate of registration or who wilfully employs or supplies for employment a person who does not have such a certificate of registration or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who engages in or practices any of the work or occupations for which a certificate of registration is required by this chapter after the expiration of such person's certificate of

registration or who violates any of the provisions of this chapter or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than five hundred dollars for a first violation of this subsection, not more than seven hundred fifty dollars for a second violation of this subsection occurring not more than three years after a prior violation, not more than one thousand five hundred dollars for a third or subsequent violation of this subsection occurring not more than three years after a prior violation and, in the case of radon mitigation work, such penalty shall be not less than two hundred fifty dollars. Any civil penalty collected pursuant to this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a.

Delaware

16 Del.C. § 7402. Purpose

It is the purpose of this chapter to effectuate the policies set forth in § 7401 of this title by providing a program to:

- (1) Effectively regulate sources of ionizing radiation for the protection of occupational and public health and safety;
- (2) Promote an orderly regulatory pattern within the State, among the states and between the federal government and the State and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;
- (3) Establish regulatory responsibilities with respect to radioactive material;
- (4) Permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public; and
- (5) Survey radon concentrations indoors to determine elevated radon levels and advise the General Assembly of those potential health effects as are set forth in publications and guidelines of the federal government.

6 Del.C. § 2572A Radon testing and disclosure

(a) Except as excluded by § 2577 of this title, every purchaser of any interest in residential real property on which a residential dwelling exists shall be notified that said property may present the potential for exposure to radon.

(b) Except as excluded by § 2577 of this title, the seller of any interest in residential real property on which a residential dwelling exists is required to provide the buyer with any information on radon from tests or inspections in the seller's possession, and notify the buyer of any known radon hazards.

(c) The Department of Health and Social Services shall develop the content of written information that the selling broker shall provide to the buyer of any interest in residential real property on which a residential dwelling exists. The information shall describe potential hazards of exposure to radon, testing for radon and radon remediation.

(d) The Delaware Real Estate Commission shall develop a form that will document that subsections (a), (b) and (c) of this section have occurred. The form shall be utilized for every transfer of residential real property as described in this section and shall include:

- (1) The property address;
- (2) The seller's disclosure of the presence of radon hazards, if known;
- (3) The buyer's acknowledgement that information about radon was received; (4) The buyer's acknowledgement of that buyer's option to test for radon;
- (5) The seller's acknowledgement that the seller has been informed of the seller's obligation and is aware of that seller's responsibility to ensure compliance with this section; and
- (6) Signatures of the buyer and seller attesting to the above and the date so signed.

Florida

Fla. Admin. Code r. 64 FL ADC 64E-5.1203

IN PART:

- (1) Beginning January 1, 1989, no person may test for or mitigate the presence of radon in Florida for a fee or other remuneration unless such person has been certified as provided by this part. These regulations in no way exempt any person from other state and local occupational licensure requirements.
- (2) The certification requirements of this part shall not apply to a commercial business that subcontracts radon measurements to a certified radon business when the complete radon report from the certified radon business is provided to the client and interpretations of the results are provided by the certified business.
- (3) No certification shall be approved unless the applicant demonstrates to the department that the following conditions are met:
 - (a) The applicant has not been found to be in violation of Chapter 404, F.S., or this part, and has not been decertified;
 - (b) The applicant has filed an accurate and complete application with the application fee describing compliance with the relevant certification requirements.
- (4) Requirements for continued certification shall include the following conditions:
 - (a) The certified person shall conduct his activities as described in the approved certification and shall remain in compliance with Chapter 404, Florida Statutes, and this part.
 - (b) The certified person shall allow authorized representatives of the department to have access during normal business hours to his facilities, offices and files for inspection and examination of radon-related records, measurement procedures and mitigation system design and installations. The certified person shall also allow authorized representatives of the department to inspect the on site radon measurement or mitigation activities.
 - (c) The following changes shall be reported in writing to the department within 10 business days of the change: changes to the name or address of a certified individual or business; changes in the information provided with the original business application, including changes in certified personnel; changes in analytical service providers used; changes in USEPA proficiency status; and changes to the measurement or mitigation methods used. New measurement methods shall comply with the Quality Assurance Plan requirements specified in subsection 64E-5.1206(5), F.A.C.
- (5) Prior to performing radon measurement or radon mitigation services, including sample collection, analysis, or interpretation of measurement results a certified individual shall own, be employed by, or be retained as a consultant to a certified radon measurement or certified radon mitigation business.

West's F.S.A. § 404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules

IN PART:

- (2) Certification.--
 - (a) The department may certify persons who perform radon gas or radon progeny measurements, including sample collection, analysis, or interpretation of such measurements, and who perform mitigation of buildings for radon gas or radon progeny, and shall collect a fee for such certification. Before performing radon measurement or radon mitigation services, including collecting samples, performing analysis, or interpreting measurement results, a certified individual must own, be employed by, or be retained as a consultant to a certified radon measurement or certified radon mitigation business. The department may establish criteria for the application, certification, and annual renewal of



basic and advanced levels of certification for individuals, which may include requirements for education and experience, approved training, examinations, and reporting. The department may approve training courses for certification and establish criteria for training courses and instructors. The department may observe and evaluate training sessions, instructors, and course material without charge.

(b) A person may not participate in performing radon gas or radon progeny measurements, including sample collection, analysis, or interpretation of such measurements, or perform mitigation of buildings for radon gas or radon progeny, and charge a fee or obtain other remuneration as benefit for such services or devices, unless that person is certified by the department. A certification issued in accordance with this section automatically expires at the end of the certification period stated on the certificate. An uncertified commercial business may subcontract radon measurements to a certified radon business. The uncertified commercial business must provide the complete radon report from the certified radon business to the client and direct all the client's questions about the measurements or radon report to the certified radon business.

(c) The results of measurements of radon gas or radon progeny performed by persons certified under the provisions of this subsection shall be reported to the department and persons contracting for the service. Upon request, the results of measurements of radon gas or radon progeny which are performed to evaluate the effectiveness of a radon mitigation system shall be reported to the certified business that installed the mitigation system. The report must include the radon levels detected; the location, age, and description of the building; the name and certification numbers of the certified radon measurement business and individual who performed the measurements; and other information determined by the department to meet the requirements of the protocols and procedures for the type of measurement performed. Each installation of a radon mitigation system performed by a person certified under this section must be reported to the department according to the schedule set by the department. The report must include the premitigation and postmitigation radon levels; the type or types of systems installed; the location, age, and description of the building; and the name and certification number of the certified mitigation business that performed the mitigation.

West's F.S.A. 553.98. Development of building codes for radon-resistant buildings; funding; rules for radon-resistant passive construction standards; ordinances

(1) The department shall be provided funds for activities incidental to the development and implementation of the building codes for radon-resistant buildings and for such other building code-related activities as directed by the Legislature.

(2) The rules for radon-resistant passive construction standards proposed by the department for residential buildings are hereby approved by the Legislature. The rules for radon-resistant commercial building standards shall be submitted by the department to the Legislature prior to becoming effective.

(3) Local jurisdictions may enact ordinances for radon-resistant building construction only pursuant to this subsection. A county governing authority and the governing bodies of the municipalities representing at least a majority of the county's municipal population shall enter into an interlocal agreement to adopt by ordinance the department's radon-resistant passive construction standards as a code for residential radon-resistant building construction. The standards shall apply uniformly to the entire jurisdictions that adopt the standards. No local jurisdiction may adopt any requirement for radon-resistant building construction other than the rules of the department, nor enact any other requirements relating to environmental radiation caused by the radon decay series other than the rules of the department.

Illinois

2012 IL P.A. 21

Provides that if a lessee notifies a lessor that a radon test indicates the existence of a radon hazard in a leased dwelling unit, then the lessor must disclose that risk to any prospective lessee.

2012 P.A. No. 981

Amends the Child Care Act, provides licensed day care centers, licensed day care homes, and licensed group day care homes shall have the facility tested for radon at least once every 3 years.

225 ILCS 52/5. Public policy

§ 5. Public policy. Due to the increasing problems relating to chemical exposure, toxic substances, air pollution, hazardous waste, radon, lead poisoning, radiation, and related health and environmental problems, it is hereby declared necessary to protect the public health and safety from harm by regulating the profession of industrial hygiene.

420 ILCS 44/5

§ 5. Legislative declaration. The General Assembly declares that it is in the interest of the people of Illinois to establish a comprehensive program for determining the extent to which radon and radon progeny are present in dwellings and other buildings in Illinois at concentrations that pose a potential risk to the occupants and for determining measures that can be taken to reduce and prevent such risk. The General Assembly also finds that public concerns over the dangers from radon and radon progeny may give rise to unscrupulous practices that exploit those concerns but do not mitigate the dangers from radon and radon progeny. It is therefore declared to be the public policy of this State that in order to safeguard the health, property, and public welfare of its citizens, persons engaged in the business of measuring the presence of radon or radon progeny in dwellings and reducing the presence of radon and radon progeny in the indoor atmosphere shall be regulated by the State through licensing requirements.

415 ILCS 5/17.6. Barium, radium and fluoride in water supplies; maximum concentration

§ 17.6. The maximum contaminant levels of barium, fluoride, and radionuclides (including **radium 226**, **radium 228**, uranium, radon, gross alpha particle activity and gross beta activity) in Illinois public water supplies shall be the enforceable maximum concentration limits promulgated from time to time by the Administrator of the U.S. Environmental Protection Agency to implement Sections 1401 and 1412 of the federal Safe Drinking Water Act. [FN1] Board regulations prescribing activity and contaminant levels under this Section shall be adopted pursuant to the provisions of the Illinois Administrative Procedure Act [FN2] relating to peremptory rulemaking.

420 ILCS 44/15

(e) "Laboratory analysis" means the act of analyzing the radon or radon progeny concentrations with passive devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.

(f) "Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

(h) "Radon" means a gaseous radioactive decay product of uranium or thorium.

(i) "Radon contractor" or "contractor" means a person licensed to perform radon or radon progeny mitigation or to perform measurements of radon or radon progeny in an indoor atmosphere.

(j) "Radon progeny" means any combination of the radioactive decay products of radon.



420 ILCS 44/20. General powers

§ 20. General powers.

(a) The Agency may undertake projects to determine whether and to what extent radon and radon progeny are present in dwellings and other buildings, to determine to what extent their presence constitutes a risk to public health, and to determine what measures are effective in reducing and preventing the risk to public health.

420 ILCS 44/25. License requirement

§ 25. License requirement. Beginning January 1, 1998, no person shall sell a device or perform a service for compensation to detect the presence of radon or radon progeny in the indoor atmosphere, perform laboratory analysis, or perform a service to reduce the presence of radon or radon progeny in the indoor atmosphere unless the person has been licensed by the Agency. The application procedures for a license shall be established by rule of the Agency. This Section does not apply to retail stores that only sell or distribute radon sampling devices but are not engaged in the manufacture of radon sampling devices or a relationship with the client for other services such as home inspection or representation as in a real estate transaction.

420 ILCS 44/30. Reporting of information

§ 30. Reporting of information. Within 45 days after testing for radon or radon progeny, a person performing the testing shall report to his or her client the results of the testing. In addition, if the client is not the owner or occupant of the building, a person shall report to the owner or occupant upon request. To the extent that the testing results contain information pertaining to the medical condition of an identified individual or the concentration of radon or radon progeny in an identified dwelling, information obtained by the Agency pursuant to this Act is exempt from the disclosure requirements of the Freedom of Information Act,[FN1] except that the Agency shall make the information available to the identified individual or the owner or occupant on request.

420 ILCS 44/35. Penalties

§ 35. Penalties.

(a) A person required to be licensed under Section 25 of this Act who sells a device or performs a service without being properly licensed under this Act may be assessed a civil penalty by the Agency not to the exclusion of any other penalty authorized by law in an amount not to exceed \$5,000, for each offense, as determined by the Agency. Any person assessed a civil penalty under this Section shall be afforded an opportunity for hearing in accordance with Agency regulations prior to final action by the Agency. The civil penalty must be paid within 30 days after the order becomes a final and binding administrative determination.

(b) A person who violates a provision of this Act shall be guilty of a business offense and may be fined not less than \$500 nor more than \$1,000 for the first offense and shall be guilty of a Class A misdemeanor for a subsequent offense. Each day that a violation continues constitutes a separate offense. A licensed radon contractor found guilty of a violation of a provision of this Act may have his or her license terminated by the Agency.

420 ILCS 44/50. Summary suspension

§ 50. Summary suspension. The Director may summarily suspend the license of a radon contractor without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. If the Director summarily suspends a license without a

hearing, a hearing by the Agency shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.

420 ILCS 46/10

§ 10. Radon testing and disclosure.

(a) Except as excluded by Section 20 of this Act, the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in subsection (b) of this Section, stating that the property may present the potential for exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

420 ILCS 52/1 Radon Resistant Construction Act.

Creates the Radon Resistant Construction Act, amends the Radon Industry Licensing Act, provides that the Emergency Management Agency shall have primary responsibility for radon mitigation efforts, requires all new residential construction to include passive radon resistant construction, allows local governmental units to administer and enforce specified radon construction regulations, requires recommendations by a specified task force.

IL ST CH 815 § 505/2U. Misrepresentation of the capabilities of a device for detecting and measuring radon or radon progeny

§ 2U. No person shall intentionally or negligently misrepresent the capabilities of a device for detecting and measuring radon or radon progeny. A person who violates this Section commits an unlawful practice within the meaning of this Act and is guilty of a Class A misdemeanor.

IL ST CH 815 § 505/2V. Misrepresentation of results of test to detect or measure radon or radon progeny

§ 2V. No person shall intentionally or negligently misrepresent the results of a test to detect or measure radon or radon progeny. A person who violates this Section commits an unlawful practice within the meaning of this Act and is guilty of a Class A misdemeanor.

IL ST CH 815 § 505/2W. Performance of act or service to reduce radon without objective basis to believe act or service performed will reduce radon or radon progeny as represented

§ 2W. No person shall, for compensation, perform any act or service to reduce radon or radon progeny unless that person has an objective basis to believe that the act or service performed will reduce radon or radon progeny as represented. A person who violates this Section commits an unlawful practice within the meaning of this Act and is guilty of a Class A misdemeanor. Any person who has been injured by a violation of this Section may maintain an action in circuit court for damages against any person who has committed such violation. The person injured shall be awarded 3 times the amount of actual damages resulting from that violation together with costs and reasonable attorney's fees.

765 ILCS 77/35

§ 35. Disclosure report form. The disclosures required of a seller by this Act shall be made in the following form:

14. I am aware of unsafe concentrations of radon on the premises.

Indiana

Indiana Administrative Code 410 IAC 5.1-1-23 Certification of secondary radon testers

IN PART:

Authority: IC 16-19-3-4; IC 16-41-38-2

Affected: IC 16-41-38-3

Sec. 23. (a) A secondary radon tester must be certified in order to place and/or retrieve, or represent or advertise that he or she can place and/or retrieve, passive monitors in a building for radon-222 testing.

Indiana Administrative Code 410 IAC 5.1-1-24 Certification of primary radon testers

IN PART:

Authority: IC 16-19-3-4; IC 16-41-38-2

Affected: IC 16-41-38

Sec. 24. (a) A primary radon tester must be certified in order to test for radon-222, or represent or advertise that he or she can test for radon-222, in a building.

Indiana Administrative Code 410 IAC 5.1-1-25 Certification of radon laboratory testers

IN PART:

Authority: IC 16-19-3-4; IC 16-41-38-2

Affected: IC 16-41-38

Sec. 25. (a) A radon laboratory tester must be certified in order to analyze or test for radon-222, or represent or advertise that he or she can analyze or test for radon-222, in a building.

Indiana Administrative Code 410 IAC 5.1-1-26 Certification of radon mitigators

IN PART:

Authority: IC 16-19-3-4; IC 16-41-38-2

Affected: IC 16-41-38

Sec. 26. (a) A radon mitigator must be certified before he or she can mitigate for radon-222, or represent or advertise that he or she can mitigate for radon-222, in a building.

Indiana Administrative Code 410 IAC 5.1-1-28 Certification standards; passive monitors; records; reporting

IN PART:

Authority: IC 16-19-3-4; IC 16-41-38-2

Affected: IC 16-41-38

Sec. 28. (a) No individual required to be certified in accordance with this rule (410 IAC 5.1-1) may advertise a service unless the individual has previously obtained a valid certificate from the commissioner to perform that service.

West's Annotated Indiana Code 16-41-38-2 Rules

Sec. 2. The state department shall adopt rules under IC 4-22-2 to establish and operate programs for the certification of a person engaged in:

- (1) testing for radon gas in buildings or on areas of land; or
- (2) abatement of radon gas in buildings.

West's Annotated Indiana Code 16-41-38-4 Use of relevant standards and requirements

Sec. 4. In establishing standards and requirements under this chapter, the state department shall use

any relevant standards or requirements concerning radon gas established by the United States Environmental Protection Agency.

West's Annotated Indiana Code 16-41-38-5 Exempted individuals; certification requirement

Sec. 5. (a) This section does not apply to an individual who is testing for radon gas or engaged in the abatement of radon gas if the individual is:

- (1) performing the testing or abatement in a building the individual owns;
- (2) performing the testing on an area of land the individual owns; or
- (3) conducting scientific research on radon gas testing or abatement in a building or on an area of land and the owner of the building or area of land is not charged for the testing or abatement.

(b) An individual may not engage or profess to engage in:

- (1) testing for radon gas; or
- (2) abatement of radon gas;

unless the individual is certified under this chapter.

West's Annotated Indiana Code 16-41-38-7 Certification without examination

Sec. 7. An individual accredited in another state to perform testing for or abatement of radon gas may be certified under this chapter without passing an examination if:

- (1) the state in which the individual is accredited maintains an accreditation program substantially similar to the certification program under this chapter; and
- (2) the individual pays a fee.

West's Annotated Indiana Code 16-41-38-8 Radon gas trust fund

Sec. 8. (a) The radon gas trust fund is established to provide a source of money for the purposes described in this chapter.

(b) The expenses of administering this chapter shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The sources of money for the fund are the following:

- (1) Fees collected under this chapter.
- (2) Appropriations made by the general assembly.
- (3) Gifts and donations intended for deposit in the fund.

West's Annotated Indiana Code 16-41-38-9 Violations; civil penalty

Sec. 9. In addition to the penalties set out in this chapter, the state department may commence an action under IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of a compliance order to impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation, each day, against a person who:

- (1) fails to comply with this chapter or a rule adopted under this chapter; or
- (2) interferes with or obstructs the state department or a designated agent of the state department in the performance of official duties under this chapter.

Iowa

IA ADC 641-43.1(136B) Purpose and scope.

This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those which they own or occupy, and who provide the results of these measurements to the owner or occupant of these structures must be certified in accordance with the provisions of this chapter.

IA ADC 641-43.3(136B) General provisions.

IN PART:

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified by the department of public health. This requirement also applies to persons whose place of business is located in Iowa, or in a state other than Iowa, and who offer radon testing to residents of Iowa either directly or through the mail.

Iowa Code 136B.1. Radon testing and abatement program

1. As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of public health.
2. The department shall establish programs and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in buildings, the credentialing of persons abating the level of radon in buildings, and standards for radon abatement systems.
3. Following the establishment of the certification and credentialing programs by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny, and a person who is not credentialed, as required, shall not perform abatement measures. This section does not apply to a person performing the testing or abatement on a building which the person owns, or to a person performing testing or abatement without compensation.
4. For the purposes of this section, radon abatement systems shall be classified as mechanical ventilation systems.

Iowa Code 136B.2. Radon testing information--disclosure

1. a. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed.
- b. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.
2. a. Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines.
- b. A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building.

Iowa Code 136B.3. Testing and reporting of radon level

The department or its duly authorized agents shall from time to time perform inspections and testing of the premises of a property to determine the level at which it is contaminated with radon gas or radon progeny as a spot-check of the validity of measurements or the adequacy of abatement measures performed by persons certified or credentialed under section 136B.1. Following testing the department shall provide the owner of the property with a written report of its results including the concentration of radon gas or radon progeny contamination present, an interpretation of the results, and recommendation of appropriate action. A person certified or credentialed under section 136B.1 shall

also be advised of the department's results, discrepancies revealed by the spot-check, actions required of the person, and actions the department intends to take with respect to the person's continued certification or credentialing.

Iowa Code 136B.5. Penalty for violation

A person who violates a provision of this chapter is guilty of a serious misdemeanor.

Kansas

K.S.A 58-3078a. Same; information regarding radon

On and after July 1, 2009, each contract for the sale of residential real property shall contain the following language:

"Every buyer of residential real property is notified that the property may present exposure to dangerous concentrations of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer. Radon, a class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. Kansas law requires sellers to disclose any information known to the seller that shows elevated concentrations of radon gas in residential real property. The Kansas department of health and environment recommends all home-buyers have an indoor radon test performed prior to purchasing or taking occupancy of residential real property. All testing for radon should be conducted by a radon measurement technician. Elevated radon concentrations can be easily reduced by a radon mitigation technician. For additional information go to www.kansasradonprogram.org."

Kentucky

KRS § 211.855: Renumbered as 211.9135 by the Reviser of Statutes (2011).

K.R.S. § 211.9135 Cabinet's role as radon control agency for Commonwealth

- (1) The Cabinet for Health and Family Services shall be the regulatory agency for the control of radon in the Commonwealth of Kentucky
- (2) The cabinet shall develop and conduct programs for evaluation and control of activities related to radon including laboratory analyses, mitigation, and measurements.
- (3) The cabinet shall:
 - (a) Promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce KRS 211.9101 to 211.9135;
 - (b) Maintain a list of all certified persons;
 - (c) Issue certificates and certificate renewals to qualified persons;
 - (d) Promulgate administrative regulations establishing requirements for:
 1. A quality control program plan for certified persons, including what each certified person administering a plan shall submit and maintain; and
 2. Mitigation and measurement standard operating procedures;
 - (e) Promote the control of radon in the Commonwealth;
 - (f) Design and administer, or participate in the design and administration of educational and research programs to ensure citizens of the Commonwealth are informed about the health risks associated with radon;
 - (g) Appoint personnel to perform duties and fix their compensation;
 - (h) Issue subpoenas, administer oaths, examine witnesses, investigate allegations of wrongdoing, and conduct administrative hearings in accordance with KRS Chapter 13B to enforce KRS 211.9101 to 211.9135; and

(i) Collect or receive all fees, fines, and other moneys owed pursuant to KRS 211.9101 to 211.9135, and deposit all those moneys into the radon mitigation and control fund established by KRS 211.9133.

Louisiana

La. R.S. 40 § 740 Appendices; maximum contaminant levels

SUMMARY:

This statute notes the acceptable levels for hundreds of pollutants/toxins, including radon.

Maine

22 M.R.S.A. Ch. 165 § 771. Radon Registration Act

ME ADC 10-144 Ch. 224, § 4. REGISTRATION REQUIREMENTS

IN PART:

A. Pursuant to the Act, all persons or companies located within or outside the State of Maine that intend to conduct radon testing services, evaluation of radon detection devices, radon mitigation consultation, or radon mitigation services in the State of Maine shall be registered by the Department. No radon service provider may offer or provide these services unless registered with the Department. The requirements of these rules are continuing requirements.

22 M.R.S.A. § 772. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Associated radiological concerns. "Associated radiological concerns" means radioactive elements other than radon, including, but not limited to, radium, thorium, uranium and their respective decay products.

2. Authorized radon testing device. "Authorized radon testing device" means a device that:

A. Collects radon or its decay products;

B. Requires analysis by an independent measuring facility or is a continuous monitoring device; and

C. Has been determined to meet the proficiency requirements as determined by the department through rule. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [FN1]

3. Division. "Division" means the Department of Health and Human Services, Division of Health Engineering.

4. Listed facility. "Listed facility" means a radon testing facility that is designated as providing radon analysis services and that has proven its proficiency to the department.

5. Radon. "Radon" means the radioactive gaseous element and its decay products produced by the disintegration of the element radium in air, water, soil or other media.

6. Radon testing services. "Radon testing services" means providing, for remuneration, determination of radon levels or analysis of an authorized radon testing device. This term includes those services provided by listed facilities.

[FN1] 5 M.R.S.A. § 8071 et seq.

22 M.R.S.A. § 773. Lead agency

The division is the lead agency having primary responsibility for programs related to radon and associated radiological concerns. The division shall register firms, including listed facilities, and individuals who test for the presence of radon or associated radiological concerns or who provide consulting, construction or other remedial services for reducing the levels of radon or associated

radiological concerns. The division may facilitate functions including, but not limited to, education, funding, liaison, technology transfer and training with the United States Environmental Protection Agency or other federal or state agencies. The division also serves as an information clearinghouse for radon and associated radiological concerns by maintaining records and disseminating information to educate the public about radon, describing technical assistance programs and interpreting test results as appropriate.

22 M.R.S.A. § 774. Radon testing; registration required

A person may not perform, evaluate or advertise to perform or evaluate tests for the presence of radon in buildings or on building lots unless registered with the division. This registration requirement includes without limitation a person whose place of business is located in the State, or in another state, who offers radon testing services to residents of the State either directly or through the mail.

22 M.R.S.A. § 776. Exemptions

The requirements of sections 774 and 775 do not apply to any of the following:

- 1. Personal use.** A person performing testing or mitigation on a building owned or inhabited by that person but not for sale at the time that person performs testing or mitigation on that building;
- 2. New construction.** A builder utilizing preventive or safeguarding measures in new construction as recommended in "Radon-resistant Residential New Construction" EPA/60018-881087 published by the United States Environmental Protection Agency or an equivalent publication as determined by the department;
- 3. Department employees.** Employees of the department in the course of their assigned duties; or
- 4. Authorized personnel.** A person performing testing with the written approval of the department. Registration under section 774 or 775 does not constitute written approval for the purposes of this subsection.

22 M.R.S.A. § 777. Use of listed facilities

Any person who is required to register under section 774 or 775 shall use only authorized radon testing devices and shall have these devices analyzed by a listed facility. When disclosing test results, any person registered under section 774 or 775 shall provide in writing the name and address of the listed facility that performed the analysis.

22 M.R.S.A. § 778. Reports

A person registered under section 774 or 775 shall, within 45 days of the date the services are provided, notify the department in writing of the street address and zip code of the client and the results of any tests performed. The department may, by rule, specify an alternative notification procedure and notification period and any additional data required in the report.

22 M.R.S.A. § 779. Advertising

A person may not advertise any radon testing device as "State-approved," "approved by the State of Maine" or by use of any phrases with similar meaning or content. This restriction also applies to any reference denoting municipal approval.

22 M.R.S.A. § 780. Fees

The department shall determine a schedule of fees to defray the costs of the registration programs established in sections 774 and 775. Fees may not exceed \$150 for registrants under section 774 or \$75 for registrants under section 775. The fees collected must be placed in the Radon Relief Fund established in section 784. The fee schedule must provide for initial registration and biennial registration

fees.

22 M.R.S.A. § 783. Penalties

Any person failing to register pursuant to section 774 or 775, commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Any person in violation of section 777, 778 or 779 commits a civil violation for which a forfeiture not to exceed \$250 per violation may be adjudged. Any person who engages in radon testing, advertising or mitigation in violation of this chapter is also in violation of Title 5, chapter 10.

22 M.R.S.A. § 784. Radon Relief Fund

The Radon Relief Fund is established as a nonlapsing fund to support the radon-related research, testing, educational and mitigation activities of the division. Funds received from registrations under sections 774 and 775 and any other miscellaneous sources of income are deposited in the fund. The division shall administer the fund. Funds in the Radon Relief Fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.

14 M.R.S.A. § 6030-D. Radon Testing

1. Testing. By March 1, 2014, and, unless a mitigation system has been installed in that residential building, every 10 years thereafter when requested by a tenant, a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building shall have the air of the residential building tested for the presence of radon. For a residential building constructed or that begins operation after March 1, 2014, a landlord or other person acting on behalf of a landlord shall have the air of the residential building tested for the presence of radon within 12 months of the occupancy of the building by a tenant. Except as provided in subsection 5, a test required to be performed under this section must be conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165.

1-A. Short-term rentals. As used in this section, "residential building" does not include a building used exclusively for rental under short-term leases of 100 days or less where no lease renewal or extension can occur.

2. Notification. Within 30 days of receiving results of a test with respect to existing tenants or before a tenant enters into a lease or tenancy at will agreement or pays a deposit to rent or lease a property, a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building shall provide written notice, as prescribed by the Department of Health and Human Services, to a tenant regarding the presence of radon in the building, including the date and results of the most recent test conducted under subsection 1, 5 or 6, whether mitigation has been performed to reduce the level of radon, notice that the tenant has the right to conduct a test and the risk associated with radon. Upon request by a prospective tenant, a landlord or other person acting on behalf of a landlord shall provide oral notice regarding the presence of radon in a residential building as required by this subsection. The Department of Health and Human Services shall prepare a standard disclosure statement form for a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for real property to use to disclose to a tenant information concerning radon. The form must include an acknowledgment that the tenant has received the disclosure statement required by this subsection. The department shall post and maintain the forms required by this subsection on its publicly accessible website in a format that is easily downloaded.

4. Penalty; breach of implied warranty. A person who violates this section commits a civil violation for which a fine of not more than \$250 per violation may be assessed. The failure of a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential

building to provide the notice required under subsection 2 or the falsification of a test or test results by the landlord or other person is a breach of the implied warranty of fitness for human habitation in accordance with section 6021.

5. Testing by landlords. A landlord or other person acting on behalf of a landlord may conduct a test required to be performed under this section on a residential building that, at a minimum, does not include an elevator shaft, an unsealed utility chase or open pathway, a forced hot air or central air system or private well water unless the water has been tested for radon by a person registered under Title 22, chapter 165 and the results show a radon level acceptable to the Department of Health and Human Services, or on a building otherwise defined in rules adopted by the Department of Health and Human Services. A test or testing equipment used as permitted under this subsection must conform to any protocols identified in rules adopted by the Department of Health and Human Services.

6. Testing by tenants; disputed test results. A tenant may conduct a test for the presence of radon in the tenant's dwelling unit in a residential building in conformity with rules adopted by the Department of Health and Human Services or have a test conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165. After receiving notice of a radon test from a tenant indicating the presence of radon at or in excess of 4.0 picocuries per liter of air, either the landlord shall disclose those results as required by subsection 2 or the landlord or other person acting on behalf of the landlord shall have a test conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165 and shall disclose the results of that test to the tenant as required by subsection 2.

7. Reporting of test results. A landlord or a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165 who has conducted a test of a residential building as required by this section or accepted the results of a tenant-initiated test as set forth in subsection 6 shall report the results of the test to the Department of Health and Human Services within 30 days of receipt of the results in a form and manner required by the department.

8. Termination of lease or tenancy at will. If a test of a residential building under this section reveals a level of radon of 4.0 picocuries per liter of air or above, then either the landlord or the tenant may terminate the lease or tenancy at will with a minimum of 30 days' notice. Except as provided in section 6033, a landlord may not retain a security deposit or a portion of a security deposit for a lease or tenancy at will terminated as a result of a radon test in accordance with this subsection.

25 M.R.S.A. § 2446. Repealed by Laws 1999, c. 652, § 8

33 M.R.S.A. § 173. Required disclosures

Unless the transaction is exempt under section 172, the seller of residential real property shall provide to the purchaser a property disclosure statement containing the following information:

4. Hazardous materials. The presence or prior removal of hazardous materials or elements on the residential real property, including, but not limited to:

C. Radon;

Maryland

Md. Environmental Code Ann. § 8-305. Testing for radon

(a)(1) In this section the following words have the meanings indicated.

(2) "Listed facility" means a radon testing facility that is listed in the report of the latest round of the United States Environmental Protection Agency's National Radon Measurement Proficiency Program.

(3)(i) "Radon testing device" means a device that:

1. Collects radon or radon progeny; and

- 2. Requires analysis by an independent measuring facility or radon tester.
 - (ii) "Radon testing device" does not include a self-analyzing device that collects radon or radon progeny.
- (b) A person who engages in the business of testing for the presence of indoor radon shall:
 - (1) After completion of round 6 of the United States Environmental Protection Agency's National Radon Measurement Proficiency Program, have all tests analyzed by a listed facility;
 - (2) Indicate the name of the facility conducting the analysis on the radon testing device; and
 - (3) Disclose in writing to the ultimate consumer the results of the radon test and the name and address of the facility that analyzed the test.
- (c) The Department:
 - (1) May adopt regulations to require radon testing facilities to send test results to the Department; and
 - (2) May not disclose, in response to a request from the public for the name of a radon testing facility, the name of a radon tester that is not a listed facility.

Md. Housing and Community Development Code Ann. § 4-930. Radon and Asbestos Abatement Pilot Program

Established

(a) There is a Radon and Asbestos Abatement Pilot Program.

Duties of Department

(b) The Department shall:

- (1) operate the Radon and Asbestos Abatement Pilot Program; and
- (2) make loans for rehabilitation projects for radon and asbestos abatement.

Terms of loans

(c) The terms of loans shall meet the requirements under §§ 4-917 through 4-919 of this subtitle.

Qualifications for loan

(d)(1) To qualify for a loan, an applicant shall:

- (i) own a building in need of radon or asbestos abatement:
 - 1. that is otherwise structurally sound; or
 - 2. for which the applicant provides a commitment from a lender to finance improvements to make the building structurally sound; and
- (ii) make a proposal to the Department for treatment that complies with the requirements and procedures of the Department of the Environment for radon or asbestos abatement.

(2) In addition to the requirements in paragraph (1) of this subsection, the applicant shall:

- (i) live in the building and be a family of limited income;
- (ii) agree to rent at least two-thirds of the dwellings in the building to families of limited income;
- or
- (iii) agree to provide congregate or group housing or temporary shelters to families of limited income.

MD Code, Real Property, § 10-603. Unwarranted homes; required disclosure

(a) If the builder does not participate in a new home warranty security plan:

(1) The builder must make a disclosure at the time of the purchase or construction contract containing an explanation in 12 point type that:

- (iii) 1. Describes any hazardous or regulated materials, including asbestos, lead-based paint, radon, methane, underground storage tanks, licensed landfills, unlicensed landfills, licensed

rubble fills, unlicensed rubble fills, or other environmental hazards, present on the site of the new home of which the builder has actual knowledge;

MD Code, Real Property, § 10-604. Provisions of new home warranty

(b) A builder who has disclosed that the builder participates in a new home warranty security plan shall:

(2) Disclose to the owner at the time of the purchase or construction contract:

(i) Any actual knowledge that the builder has of any hazardous or regulated materials, including asbestos, lead-based paint, radon, methane, underground storage tanks, licensed landfills, unlicensed landfills, licensed rubble fills, unlicensed rubble fills, or other environmental hazards, present on the site of the new home; or

(ii) That the builder is making no representations or warranties as to whether there is any hazardous or regulated material on the site of the new home;

Md. Real Prop. Code Ann. § 10-702. Single family homes; mandatory disclosure

(e)(1) The residential property disclosure statement shall disclose those items that, to carry out the provisions of this section, the State Real Estate Commission requires to be disclosed about the physical condition of the property.

(2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

(vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;

Massachusetts

M.G.L.A. 13 § 97 Board of registration of home inspectors; duties; informational brochure on home inspections

Said board shall (i) establish the requirements for licensure and for the standards of professional and ethical conduct; (ii) authorize and conduct appropriate examinations to determine the qualifications of applicants; (iii) grant licenses to qualified applicants; (iv) establish standards for continuing education; and (v) set and administer penalties as defined in section 206 of chapter 112 for fraudulent, deceptive or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by said board.

Said board shall make available to the public a list of licensed home inspectors and associate home inspectors.

Said board shall publish a code of ethics.

The director of consumer affairs and business regulation, after consultation with the board of registration of home inspectors and the board of registration of real estate brokers and salespersons, shall publish an informational brochure on home inspections which shall be issued to home buyers at the signing of the first written contract to purchase. The brochure shall include a definition of a home inspection such that the nature and extent of a home inspection is made clear to a client or prospective client. The brochure shall also include information regarding inspections for lead paint, radon, and termites and other woodboring insects. The joint committee on government regulations and the house and senate committees on post audit and oversight shall receive a copy of the proposed brochure and shall be provided with an opportunity to comment on it 60 days before the brochure is submitted for publication.

Said board shall administer the provisions of sections 201 to 206, inclusive, of said chapter 112 and shall promulgate such rules and regulations as may be necessary to implement the same.

M.G.L.A 112 § 222. Licensure as home inspector; qualifications; license period; renewal; exceptions for other professionals

(a) No person shall present, call or represent himself as authorized to provide a home inspection for compensation unless licensed by the board in accordance with this section and sections 223 to 226, inclusive. No person shall conduct a home inspection for compensation unless licensed by the board in accordance with this section and said sections 223 to 226, inclusive, and unless he provides a written report of the home inspection. The requirements contained in this subsection shall not be construed to prevent any of the following persons from acting within the scope of their profession:

- (9) a person employed as a radon, licensed lead paint, urea formaldehyde or termite inspector solely for the purpose of conducting such inspections;

Michigan

M.C.L. § 565.957. Disclosures; form

Sec. 7. (1) The disclosures required by this act shall be made on the following form:

10. Environmental Problems: Are you aware of any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas, formaldehyde, lead-based paint, fuel or chemical storage tanks and contaminated soil on the property.

Minnesota

M.S.A. § 116C.76. Nuclear waste depository release into groundwater

Subdivision 1. Radionuclide release levels. Radioactive waste management facilities for spent nuclear fuel or high-level radioactive wastes must be designed to provide a reasonable expectation that the undisturbed performance of the radioactive waste management facility will not cause the radionuclide concentrations, averaged over any year, in groundwater to exceed:

- (1) five picocuries per liter of radium-226 and radium-228;
- (2) 15 picocuries per liter of alpha-emitting radionuclides including radium-226 and radium-228, but excluding radon; or
- (3) the combined concentrations of radionuclides that emit either beta or gamma radiation that would produce an annual dose equivalent to the total body of any internal organ greater than four millirems per year if an individual consumed two liters per day of drinking water from the groundwater.

Subd. 2. Disposal restricted. The location or construction of a radioactive waste management facility for high-level radioactive waste is prohibited where the average annual radionuclide concentrations in groundwater before construction of the facility exceed the limits in subdivision

Subd. 3. Protection against radionuclide release. Radioactive waste management facilities must be selected, located, and designed to keep any allowable radionuclide releases to the groundwater as low as reasonably achievable.

M.S.A § 123B.57. Capital expenditure; health and safety

Subd. 2. Contents of program. A district must adopt a health and safety program. The program must include plans, where applicable, for hazardous substance removal, fire and life safety code repairs, regulated facility and equipment violations, and health, safety, and environmental management, including indoor air quality management.

- (a) A hazardous substance plan must contain provisions for the removal or encapsulation of asbestos from school buildings or property, asbestos-related repairs, cleanup and disposal of

polychlorinated biphenyls found in school buildings or property, and cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel, oil, and special fuel, as defined in section 296A.01. If a district has already developed a plan for the removal or encapsulation of asbestos as required by the federal Asbestos Hazard Emergency Response Act of 1986, [FN1] the district may use a summary of that plan, which includes a description and schedule of response actions, for purposes of this section. The plan must also contain provisions to make modifications to existing facilities and equipment necessary to limit personal exposure to hazardous substances, as regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or is determined by the commissioner to present a significant risk to district staff or student health and safety as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

(b) A fire and life safety plan must contain a description of the current fire and life safety code violations, a plan for the removal or repair of the fire and life safety hazard, and a description of safety preparation and awareness procedures to be followed until the hazard is fully corrected.

(c) A facilities and equipment violation plan must contain provisions to correct health and safety hazards as provided in Department of Labor and Industry standards pursuant to section 182.655.

(d) A health, safety, and environmental management plan must contain a description of training, record keeping, hazard assessment, and program management as defined in section 123B.56.

(e) A plan to test for and mitigate radon produced hazards.

(f) A plan to monitor and improve indoor air quality.

M.S.A. § 144.496. Minnesota Radon Awareness Act

Subd. 3. Radon disclosure. (a) Before signing an agreement to sell or transfer residential real property, the seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the dwelling. The disclosure shall include:

- (1) whether a radon test or tests have occurred on the real property;
 - (2) the most current records and reports pertaining to radon concentrations within the dwelling;
 - (3) a description of any radon concentrations, mitigation, or remediation;
 - (4) information regarding the radon mitigation system, including system description and documentation, if such system has been installed in the dwelling; and
 - (5) a radon warning statement meeting the requirements of subdivision 4.
- (b) The seller shall provide the buyer with a copy of the Minnesota Department of Health publication entitled “Radon in Real Estate Transactions.”
- (c) The seller's radon disclosure requirements in this section apply to the transfer of any interest in residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase, or any other option.
- (d) The seller's radon disclosure requirements in this section do not apply to any of the following:
- (1) real property that is not residential real property;
 - (2) a gratuitous transfer;
 - (3) a transfer made pursuant to a court order;
 - (4) a transfer to a government or governmental agency;
 - (5) a transfer by foreclosure or deed in lieu of foreclosure;
 - (6) a transfer to heirs or devisees of a decedent;
 - (7) a transfer from a cotenant to one or more other cotenants;
 - (8) a transfer made to a spouse, parent, grandparent, child, or grandchild of the seller;
 - (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property settlement agreement incidental to that decree;

- (10) an option to purchase a unit in a common interest community, until exercised;
 - (11) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to a declarant under [section 515B.1-103](#), clause (2);
 - (12) a transfer to a tenant who is in possession of the residential real property; or
 - (13) a transfer of special declarant rights under [section 515B.3-104](#).
- (e) A seller may provide the written disclosure required under this section to a real estate licensee representing or assisting a prospective buyer. The written disclosure provided to the real estate licensee representing or assisting a prospective buyer is considered to have been provided to the prospective buyer. If the written disclosure is provided to the real estate licensee representing or assisting the prospective buyer, the real estate licensee must provide a copy to the prospective buyer.

Subd. 4. Radon warning statement. The radon warning statement must include the following language:
“Radon Warning Statement

The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.

Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling.”

Subd. 5. Liability; transfer not invalidated. (a) A seller who fails to make a radon disclosure as required by this section, and is aware of material facts pertaining to radon concentrations in the dwelling, is liable to the buyer.

(b) A buyer who is injured by a violation of this section may bring a civil action and recover damages and receive other equitable relief as determined by the court. An action under this subdivision must be commenced within two years after the date on which the buyer closed the purchase or transfer of the real property.

(c) This section does not invalidate a transfer solely because of the failure of any person to comply with a provision of this section. This section does not prevent a court from ordering a rescission of the transfer.

M.S.A. § 326B.106. General powers of commissioner of labor and industry

Subd. 6. Radon code. The commissioner of labor and industry shall adopt rules for radon control as part of the State Building Code for all new residential buildings. These rules shall incorporate the radon control methods found in the International Residential Code appendix as the model language, with necessary amendments to coordinate with the other adopted construction codes in Minnesota.

Montana

MCA § 75-3-602. Definitions

As used in this part, the following definitions apply:

- (1) "Department" means the department of environmental quality.
- (2) "Inhabitable real property" means any real property that includes a building affixed to land. The building must be designed to be primarily occupied by humans, either as a dwelling or as a place of business.
- (3) "Mitigation project" means to repair or alter a building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.

(4) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise, association, consultant, state or municipal agency, political subdivision of the state, or any other entity.

(5) "Radon" means any of the gaseous radioactive decay products of uranium or thorium.

(6) "Radon progeny" means any of the radioactive decay products of radon.

(7) "Radon-related occupation" means the occupation of any person who performs radon gas or radon progeny measurements, including sample collection, analysis, or interpretation of those measurements, or who performs radon gas or radon progeny mitigation.

MCA 75-3-603. Radon testing and mitigation proficiency listing requirements

In order to be publicly listed as proficient by the department in a radon-related occupation, a person shall pass a United States environmental protection agency proficiency examination approved by the department.

MCA 75-3-604. Voluntary disclosure of information to department

(1) The results of measurements of radon gas or radon progeny performed by a person may be reported to the department. The report may include the radon levels detected and the location and description of the building.

(2) Except for use in conducting legitimate scientific studies, as determined by the department, data and information relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this part must be considered confidential by the department. The department shall provide the bureau of mines and geology with all information received by the department under subsection (1) for conducting legitimate scientific studies. The department may not release the data or information in its possession to anyone other than the owner or occupant of the property.

MCA 75-3-605. Public information and education

The department shall initiate and administer a program designed to educate and inform the public concerning radon gas and radon progeny. The program must include but is not limited to:

(1) public presentations to interested parties;

(2) developing, reproducing, and distributing printed materials to home owners and other interested groups;

(3) responding to telephone inquiries on a maintained toll-free telephone number;

(4) providing technical and training information for radon measurement and mitigation;

(5) maintaining and distributing lists of qualified persons who perform measurement and mitigation services;

(6) developing and implementing an effective communication strategy to encourage all home owners to test for radon; and

(7) encouraging cooperative partnerships to promote radon testing of buildings and homes.

MCA 75-3-606. Radon disclosure statement on real estate documents--disclosure of prior radon testing--immunity from liability

(1) A radon disclosure statement must be provided on at least one document, form, or application executed prior to or contemporaneously with an offer for the purchase and sale of inhabitable real property. The seller or seller's agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge receipt of this disclosure statement by signing a copy of the disclosure statement:

"RADON GAS: RADON IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES HAVE BEEN FOUND IN BUILDINGS IN MONTANA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY OR STATE PUBLIC HEALTH UNIT."

(2) Whenever a seller knows that a building has been tested for radon gas and radon progeny, the seller shall provide to the buyer, prior to or upon entry into a contract for the purchase of that building, a copy of the results of that test and evidence of any subsequent mitigation or treatment. A prospective buyer who contracts for the testing may receive the results of that testing. The furnishing of test results and evidence of mitigation or treatment is not to be construed as a promise, warranty, or representation of any sort by the seller or the seller's agent that the test results are accurate or that the mitigation or treatment is effective. This section does not create a contingency on the purchase of the property or any right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the applicable contract.

(3) A seller or seller's agent who complies with subsections (1) and (2) is not liable in any action based on the presence of radon gas or radon progeny in the building.

MCA §75-3-607. Radon control account

(1) There is a radon control account in the state special revenue fund. There must be deposited in the account all money received from any loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of this part that are received from public or private sources, except for money received from the federal government.

(2) Funds in the account are allocated to the department for the purpose of funding the costs of implementing and operating the program established under this part.

Nebraska

180 Neb. Rev. St. Ch. 11, § 001 SCOPE AND AUTHORITY

11-001.01 180 NAC 11 provides for the licensure of radon measurement specialists, radon measurement businesses, radon mitigation specialists, and radon mitigation businesses. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Rev. Stat. §§71-3501 to 71-3520, the Uniform Credentialing Act (UCA), Neb. Rev. Stat. §§38-101 to 38-1,140, the Administrative Procedure Act and 184 NAC 1.

11-001.02 In addition to the requirements of 180 NAC 11, all licensees are subject to 180 NAC 1, 4, 10, and 17.

180 Neb. Rev. St. Ch. 11, § 003 GENERAL PROVISIONS

11-003.01 No person may provide services for the measurement or mitigation of the presence of radon in the State of Nebraska unless such person has been licensed as provided in 180 NAC 11. These regulations in no way exempt any person from other state or local occupational licensure requirements.

11-003.02 Exemptions: The licensure requirements of 180 NAC 11 do not apply to:

1. Individuals measuring or mitigating the premises in which they reside.
2. Federal, state, county and local health departments and their employees who provide professional advice on radon measurement or mitigation activities in the course of their assigned duties.

3. County extension agents and specialists of the Cooperative Extension Service of the University of Nebraska who provide professional advice on radon measurement or mitigation activities in the course of their assigned duties.
4. Persons who are employed for the purpose of disseminating educational information to the public, such as educational institutions or community action agencies, who perform radon screening services without charge to the recipient of the service in the course of their assigned duties.
5. An individual, business entity or government entity using radon resistant new construction techniques during new construction. Any radon measurement or mitigation activity, including the activation of a passive new construction system with a fan, conducted after construction is complete must comply with 180 NAC 11.

Neb. Rev. St. § 71-3501. Public policy

It is the policy of the State of Nebraska in furtherance of its responsibility to protect occupational and public health and safety and the environment:

- (1) To institute and maintain a regulatory program for sources of radiation so as to provide for:
 - (a) Compatibility and equivalency with the standards and regulatory programs of the federal government;
 - (b) A single effective system of regulation within the state; and
 - (c) A system consonant insofar as possible with those of other states;
- (2) To institute and maintain a program to permit development and utilization of sources of radiation for peaceful purposes consistent with the protection of occupational and public health and safety and the environment;
- (3) To provide for the availability of capacity either within or outside the state for the management of low-level radioactive waste generated within the state, except for waste generated as a result of defense or federal research and development activities, and to recognize that such radioactive waste can be most safely and efficiently managed on a regional basis; and
- (4) To maximize the protection practicable for the citizens of Nebraska from radon or its decay products by establishing requirements for (a) appropriate qualifications for persons providing measurement and mitigation services of radon or its decay products and (b) radon mitigation system installations.

Neb. Rev. St. § 71-3502.01. Radon mitigation program; authorized

The department may establish an alternative maximum contaminant level for radon in drinking water by establishing a multimedia radon mitigation program as provided under federal law which may include public education, testing, training, technical assistance, remediation grants, and loan or incentive programs. The purpose of the radon mitigation program shall be to achieve health risk reduction benefits equal to or greater than the health risk reduction benefits that would be achieved if each public water system in the state complied with the maximum contaminant level of three hundred picocuries per liter.

Neb. Rev. St. § 71-3503. Terms, defined

- (11) License means:
 - (a) A general license issued pursuant to rules and regulations adopted and promulgated by the department without the filing of an application with the department or the issuance of licensing documents to particular persons to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing radioactive materials;
 - (b) A specific license, issued to a named person upon application filed with the department pursuant to the Radiation Control Act and rules and regulations adopted and promulgated pursuant to the act, to

use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing radioactive materials; or

(c) A license issued to a radon measurement specialist, radon mitigation specialist, radon measurement business, or radon mitigation business;

Neb. Rev. St. § 71-3505. Department; powers and duties

Matters relative to radiation as they relate to occupational and public health and safety and the environment shall be a responsibility of the department. The department shall:

(1) Develop comprehensive policies and programs for the evaluation and determination of undesirable radiation associated with the production, use, storage, or disposal of radiation sources and formulate, adopt, promulgate, and repeal rules and regulations which may provide

(a) for registration or licensure under section 71-3507 or 71-3509,

(b) for registration or licensure of

(i) any other source of radiation,

(ii) persons providing services for collection, detection, measurement, or monitoring of sources of radiation, including, but not limited to, radon and its decay products,

(iii) persons providing services to reduce the effects of sources of radiation, and (iv) persons practicing industrial radiography,

Neb. Rev. St. § 71-3507. Licenses or registration; rules and regulations; exemptions; reciprocity; department; right of entry; surveys and inspections

(3)(a) The department shall require licensure of persons providing measurement and mitigation services of radon or its decay products in order to protect the occupational and public health and safety and the environment.

(b) The department shall adopt and promulgate rules and regulations establishing education, experience, training, examination, and continuing competency requirements for radon measurement specialists and radon mitigation specialists. Application for such licenses shall be made as provided in the Uniform Credentialing Act. Such persons shall be credentialed in the same manner as an individual under subsection (1) of section 38-121 and shall be subject to disciplinary action pursuant to section 71-3517. Continuing competency requirements may include, but not be limited to, one or more of the continuing competency activities listed in section 38-145. Any radon measurement technician license issued prior to December 1, 2008, shall remain valid as a radon measurement specialist license on and after such date until the date such radon measurement technician license would have expired. Such radon measurement specialist license shall be subject to rules and regulations adopted and promulgated by the department.

(c) The department shall adopt and promulgate rules and regulations establishing staffing, proficiency, quality control, reporting, worker health and safety, equipment, and record-keeping requirements for radon measurement businesses and radon mitigation businesses and mitigation system installation requirements for radon mitigation businesses.

Neb. Rev. St. § 71-3508.03. Fees; costs; use; exemptions; failure to pay; effect

(1) The department shall establish by rule and regulation annual fees for the radioactive materials licenses, for inspections of radioactive materials, for the registration and inspection of radiation-generating equipment and other sources of radiation, and for radon measurement and mitigation business licenses and inspections of radon mitigation systems installations under the Radiation Control Act. The annual fee for registration and inspection of X-ray radiation generating equipment used to diagnose conditions in humans or animals shall not exceed four hundred dollars per X-ray machine. The department shall also establish by rule and regulation additional fees for environmental surveillance

includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

Radon Gas: Radon gas, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

New Jersey

New Jersey Administrative Code 7:28-27.1 Scope

This subchapter establishes rules, requirements and procedures that a person who wishes to perform radon testing or mitigation in New Jersey shall comply with in order to become and remain certified. Certification is mandatory in New Jersey pursuant to N.J.S.A. 26:2D-70 et seq. for any person who sells radon/radon progeny devices, tests for radon/radon progeny or mitigates radon in buildings. Mitigation devices that reduce only radon progeny levels will not be certified under this subchapter. Any person not certified and performing radon services shall be subject to the criminal penalties in N.J.S.A. 26:2D-77.

In accordance with N.J.S.A. 52:14B-5.1d, Chapter 28, Radiation Protection Programs, was extended by gubernatorial directive from June 21, 2010 to June 21, 2011. See: 42 N.J.R. 468(a).

N.J.A.C. 7:28-27.3 General provisions

IN PART:

(a) Beginning 90 days (May 13, 1991) after the date of establishment of this certification program, no person may sell devices, test for, mitigate, or safeguard against the presence of radon in the State of New Jersey unless such person is certified pursuant to this subchapter or has been exempted from certification pursuant to N.J.A.C. 7:28-27.31, or temporarily certified in accordance with the provisions of N.J.A.C. 7:28-27.35.

(a)The date of establishment of the certification program will be 120 days (February 12, 1991) after the date of adoption of this subchapter. Program administration and activity fees assessed under this subchapter will not be collected until the program is established.

(b) A certified person shall continuously remain in compliance with the Act and this subchapter.

(c) No certification shall be issued or renewed unless the applicant demonstrates to the Department that the following requirements are met:

1. The applicant is not in violation of the Act or this subchapter and does not have a certification issued by the Department suspended or revoked; and
2. The applicant is capable of performing the activities for which he or she is seeking certification in accordance with the Act and this subchapter.

(d) Any person certified to perform radon measurement and/or mitigation shall only do such measurements and/or mitigations for which the person is certified.

1. Any person certified to perform radon measurement and/or mitigation who does not perform so in accordance with this subchapter shall be subject to the suspension and revocation provisions set forth in N.J.A.C. 7:28-27.25.

(e) A certified person shall conduct his or her activities in accordance with the approved certification and the provisions of the Act, this subchapter, and all other applicable municipal, county, state, and federal regulations and codes.

N.J.S.A. 13:1K-14. Residential property contaminated with radon gas or radon progeny; inspection and testing; removal; certification; costs

a. The Department of Environmental Protection shall, upon a determination after inspection and testing

that the premises of any residential property are not significantly contaminated with radon gas or radon progeny and require no remedial action, provide the owner of the property with written certification that, as of the date of the testing, any radon gas or radon progeny contamination present was within acceptable limits as established by the United States Environmental Protection Agency and the department.

b. The department shall, upon completion of any project undertaken to remove radium from any residential property and to remedy excessive levels of radon gas or radon progeny therefrom, provide the owner of the property with written certification that, as of the date of the completion of the project, any radon gas or radon progeny contamination present was within acceptable limits as established by the United States Environmental Protection Agency and the department.

c. The costs incurred by the department in providing the certifications required by this section shall be covered by sums which may be appropriated or otherwise made available to the department to remedy radon gas or radon progeny contamination.

N.J.S.A. 18A:20-40. Radon testing; public school buildings

a. Except as may be provided pursuant to subsection b. of this section, every public school building used as a public school in the State shall be tested for the presence of radon gas or radon progeny at least once every five years. If the public school has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

b. The Commissioner of Education, in consultation with the Department of Environmental Protection, shall determine the extent of testing required and the locations for the testing, provided that at least every public school building used as a public school in which a child care center is operated by a non-profit organization is tested by the school in which the child care center is operated for the presence of radon gas or radon progeny at least once every five years. The superintendent of each school district in the State, in consultation with the Department of Environmental Protection and the principal of each school to be tested, shall determine the buildings to be tested, the locations within each building to be tested, the method of testing, and the procedures concerning notification and circulation of the testing results.

N.J.S.A. 26:2D-59. Radon gas and radon progeny; study

The Department of Environmental Protection shall prepare and transmit to the Governor and Legislature a study concerning the dangers posed to the public health, safety, and welfare by the presence of radon gas and radon progeny in residential dwellings, schools, and public buildings in the State. The study shall identify the potential sources of contamination in the State, identify demographic, geologic, and geographic areas subject to an actual or potential threat or danger of contamination, and develop a cost-effective strategy for radon gas and radon progeny contamination testing. The study shall include recommendations for private actions to solve or alleviate potential health problems and any legislative or executive action that should be taken. The department shall prepare and transmit to the Governor and the Senate Institutions, Health and Welfare Committee and the General Assembly Agriculture and Environment Committee interim reports on its progress in implementing this section. The department shall transmit its first report on May 1, 1986 and subsequent reports every six months thereafter.

N.J.S.A. 26:2D-60. Study of cancer and the presence of radon gas and radon progeny; registry of persons at risk of radiogenic lung cancer

The Department of Health shall conduct an epidemiologic study of cancer and the presence of radon gas and radon progeny in residential dwellings and shall maintain a voluntary registry of persons at risk of

radiogenic lung cancer. The department shall communicate promptly to persons on the registry new techniques for the prevention of mortality from the disease.

N.J.S.A. 26:2D-61. Confirmatory monitoring

The Department of Environmental Protection and the Department of Health shall coordinate to establish a program of confirmatory monitoring of the presence of radon gas and radon progeny in residential dwellings, utilizing local health officers and the Department of Environmental Protection personnel.

N.J.S.A. 26:2D-62. Public information and education program

The Departments of Environmental Protection and Health shall also coordinate to establish a public information and education program to inform the public of the potential health effects of the presence of radon gas and radon progeny in residential dwellings, and the presence of radium in potable water supplies, and the geographic areas in the State subject to an actual or potential threat of danger and the measures which can be taken to protect the health, safety, and welfare of the citizens of the State. This public information and education program shall include:

- a. A cooperative program with county and local health departments to facilitate health education in response to requests from the public; and
- b. A toll-free public telephone information service within the Department of Environmental Protection to answer questions from residents of the State concerning radon gas and radon progeny contamination, or radium contamination, or both, as the case may be. The availability of the public telephone information service shall be published in the major newspapers circulated in the geographic areas of this State subject to an actual or potential threat of danger from radon gas or radon progeny contamination, or from the presence of radium in potable water supplies, as appropriate.

N.J.S.A. 26:2D-71. Certification of persons who mitigate and safeguard buildings from presence of radon

The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who mitigate, and safeguard buildings from, the presence of radon gas and radon progeny.

N.J.S.A. 26:2D-72. Necessity for certification; exemptions

Beginning 90 days after the establishment of the certification programs by the Department of Environmental Protection pursuant to sections 1 and 2 of this act, [FN1] no person who is not certified pursuant to section 1 or section 2 of this act, as appropriate, shall test for, or mitigate or safeguard a building from, the presence of radon gas and radon progeny. The provisions of this section shall not apply to a person performing this testing or mitigation on a building which he owns, or to a person performing testing or mitigation without remuneration.

[FN1] N.J.S.A. §§ 26:2D-70 and 26:2D-71.

N.J.S.A. 26:2D-73. Disclosure of address or owner of treated nonpublic building; prohibition; written waiver; exemptions; sale of building

No person shall disclose to any person, except to the Department of Environmental Protection or the Department of Health, the address or owner of a nonpublic building that the person tested or treated for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality.

The provisions of this section shall not apply to a person performing testing or treatment on a building

which he owns, or to instances where disclosure is necessary to contract for further testing or to contract for the mitigating and safeguarding of a building from the presence of radon gas and radon progeny. In the case of a prospective sale of a building which has been tested for radon gas and radon progeny, the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment, and any prospective buyer who contracts for the testing shall have the right to receive the results of that testing.

N.J.S.A. 26:2D-78. Data on health and on treatment of buildings not public records; destruction of information

For the purposes of P.L.1963, c. 73 (C. 47:1A-1 et seq.), health data relating to individuals and data relating to radon gas and radon progeny contamination at specific properties, including residential dwellings, gathered pursuant to the provisions of this act and the provisions of P.L.1985, c. 408 (C. 26:2D-59 et seq.) shall not be deemed to be public records. The Departments of Health and Environmental Protection shall destroy all information in their possession relating to the names and addresses of persons owning properties on which data were collected relating to radon gas and radon progeny contamination at the end of five years from the date on which the data were collected.

N.J.S.A. 26:2D-80. Agreements with public or private agency to test at sites of construction of residential dwellings

The Department of Community Affairs is authorized to enter into an agreement with a public or private agency to carry out testing for radon gas and radon progeny at the sites of residential dwellings, the construction of which is in progress or commences on or after the effective date of this act, and to provide funding for that testing, provided that each \$1.00 of that funding is matched by \$1.00 from other public or private sources.

N.J.S.A. 30:5B-5.2. Radon testing of child care centers; posting of test results

a. Except as provided in subsection c. of this section, within six months of the effective date of this act, the owner of any building in which a child care center licensed pursuant to the provisions of P.L.1983, c. 492 (C.30:5B-1 et seq.) is located shall test or cause to be tested the space in the building in which the child care center is located for the presence of radon gas and radon progeny. The test shall be conducted at least once every five years. If the building has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

b. The provisions of section 4 of P.L.1986, c. 83 (C.26:2D-73) to the contrary notwithstanding, any owner of a building who tests for the presence of radon gas and radon progeny pursuant to this act or who has performed the test within five years prior to the effective date of this act shall post, within 30 days of the completion of the testing procedures, or within 30 days of the effective date of this act if the test has been performed prior thereto, the results of the test, and any measures taken or proposed to mitigate the presence of radon gas or radon progeny, at a location in the building which is readily visible to persons having responsibility for any child that attends the child care center.

c. The provisions of P.L.1997, c. 44 (C.30:5B-5.2) shall not apply to a child care center operated by a non-profit organization in a public school building used as a public school, until September 1, 2001.

N.J.S.A. 52:27D-123a. Radon hazard code standards; application to school or residential buildings; contents; immunity from liability of contractor

The Commissioner of Community Affairs shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), a radon hazard code, or may propose amendments to revise the appropriate model code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.

217 (C.52:27D-119 et seq.), for the purpose of establishing adequate and appropriate standards to ensure that schools and residential buildings within tier one areas, as defined by the Department of Environmental Protection pursuant to P.L.1985, c. 408 (C.26:2D-59 et seq.), are constructed in a manner that minimizes radon gas and radon progeny entry and facilitates any subsequent remediation that might prove necessary. In preparing the radon hazard code standards, the commissioner shall employ a guideline of four picocuries per liter or such other action level standard as the Department of Environmental Protection may establish subsequent to the effective date of this act.

The department shall include in the radon hazard code standards such testing requirements as may prove reliable, practical and economical to identify sites where a proposed school or residential building will require construction in a manner that minimizes radon gas and radon progeny entry and facilitates any subsequent remediation. If a feasible predictive test method is developed, then the standards adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.), shall be revised to include such further changes in construction standards as may be necessary to prevent the entry of radon gas and radon progeny into new schools or residential buildings.

No person who constructs a school or residential building in compliance with these standards anywhere within the State shall thereafter be held liable for the presence of radon gas or radon progeny in the school or residential building, or for any losses or damage to persons or property resulting therefrom.

N.J.S.A. 52:27D-123b. Construction permit for new school or residential building in tier one area; conditions for issuance

No construction permit shall be issued for the construction of any new school or residential building in a tier one area, except after submission to the construction official of documentation sufficient to establish that the construction will be in accordance with the radon hazard code standards adopted pursuant to section 1 of this act. [FN1]

[FN1] N.J.S.A. § 52:27D-123a.

N.J.S.A. 52:27D-123c. Certificate of occupancy for new school or residential building; issuance on verification of compliance with radon hazard code standards

No certificate of occupancy shall be issued for any newly constructed school or residential building required to be constructed in accordance with radon hazard code standards as provided in section 2 of this act, [FN1] except upon verification by the construction official that the school or residential building conforms to the radon hazard code standards.

[FN1] N.J.S.A. § 52:27D-123b.

N.J.S.A. 52:27D-123d. Investigation of methods of testing building sites to predict presence of radon hazards

The Department of Community Affairs, in consultation with the Department of Environmental Protection, the National Institute of Standards and Technology, the National Association of Homebuilders Research Center and the United States Environmental Protection Agency, shall investigate methods of testing building sites for the purpose of predicting the presence of radon hazards in buildings to be constructed thereon.

New York

McKinney's Real Property Law § 462

1. Except as is provided in section four hundred sixty-three of this article, every seller of residential real property pursuant to a real estate purchase contract shall complete and sign a property condition disclosure statement as prescribed by subdivision two of this section and cause it, or a copy thereof, to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale. A

copy of the property condition disclosure statement containing the signatures of both seller and buyer shall be attached to the real estate purchase contract. Nothing contained in this article or this disclosure statement is intended to prevent the parties to a contract of sale from entering into agreements of any kind or nature with respect to the physical condition of the property to be sold, including, but not limited to, agreements for the sale of real property "as is".

2. The following shall be the disclosure form:

17. HAS A RADON TEST BEEN DONE? YES NO UNKN NA (IF YES, ATTACH A COPY OF THE REPORT)

BUYER'S ACKNOWLEDGMENT: BUYER ACKNOWLEDGES RECEIPT OF A COPY OF THIS STATEMENT AND BUYER UNDERSTANDS THAT THIS INFORMATION IS A STATEMENT OF CERTAIN CONDITIONS AND INFORMATION CONCERNING THE PROPERTY KNOWN TO THE SELLER. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR SELLER'S AGENT AND IS NOT A SUBSTITUTE FOR ANY HOME, PEST, RADON OR OTHER INSPECTIONS OR TESTING OF THE PROPERTY OR INSPECTION OF THE PUBLIC RECORDS.

McKinney's Tax Law § 19

(9) "Green base building" means a base building which is part of an eligible building and which meets the following standards:

(E) A licensed engineer, certified industrial hygienist, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, shall conduct indoor air quality testing with respect to the entire building immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and ambient air for carbon monoxide, carbon dioxide, total volatile organic compounds, **radon**, and particulate matter. Provided, however, once **radon** measurements have been found to be satisfactory, subsequent annual testing is not required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which any part of the building is occupied, indoor air quality met the standards established in regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section, the base building shall not constitute a green base building.

(v) A licensed engineer, certified industrial hygienist, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, shall conduct indoor air quality testing with respect to the tenant space immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and ambient air for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. Provided, however, once radon measurements have been found to be satisfactory, subsequent annual testing is not required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which the tenant space is occupied, indoor air quality met the standards established in regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section, the tenant space shall not constitute green tenant space.

(2) Indoor air standards: base buildings. Within six months of the effective date of this section, DEC, in consultation with DOH and NYSERDA, shall promulgate regulations establishing standards, with respect to base buildings, for (A) ventilation and exchange of indoor/outdoor air, (B) indoor air quality

management plans for the construction or rehabilitation process, and (C) indoor air quality with respect to levels of carbon monoxide, carbon dioxide and total volatile organic compounds, radon and particulate matter.

North Carolina

N.C.G.S.A. § 47E-4. Required disclosures

- (a) With regard to transfers described in G.S. 47E-1, the owner of the real property shall furnish to a purchaser a residential property disclosure statement. The disclosure statement shall:
- (1) Disclose those items which are required to be disclosed relative to the characteristics and condition of the property and of which the owner has actual knowledge; or
 - (2) State that the owner makes no representations as to the characteristics and condition of the real property or any improvements to the real property except as otherwise provided in the real estate contract.
- (b) The North Carolina Real Estate Commission shall develop and require the use of a standard disclosure statement to comply with the requirements of this section. The disclosure statement shall specify that certain transfers of residential property are excluded from this requirement by G.S. 47E-2, including transfers of residential property made pursuant to a lease with an option to purchase where the lessee occupies or intends to occupy the dwelling, and shall include at least the following characteristics and conditions of the property:
- (6) Presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material (whether buried or covered), and other environmental contamination.

The disclosure statement shall provide the owner with the option to indicate whether the owner has actual knowledge of the specified characteristics or conditions, or the owner is making no representations as to any characteristic or condition.

Ohio

Ohio Admin. Code 3701-69-02 General prohibitions

IN PART:

- (A) Except as otherwise provided in this rule:
- (1) No individual shall perform radon testing, or hold himself or herself out as performing radon testing, without a valid radon tester or mitigation specialist license.
 - (2) No individual shall provide professional or expert advice on radon testing, radon exposure, or health risks related to radon exposure, or hold himself or herself out as providing such advice, without a radon tester or mitigation specialist license.
 - (3) No individual shall provide on-site supervision of radon mitigation or hold himself or herself out as providing such supervision, without a radon mitigation specialist license.
 - (4) No individual shall provide professional or expert advice on radon mitigation or radon entry routes, or hold himself or herself out as providing such advice, without a radon mitigation specialist license.
 - (5) No business entity or government entity shall perform or authorize any individual employed by it to perform radon mitigation or hold itself out as performing radon mitigation without a valid radon mitigation contractor license.
- (B) Paragraph (A) of this rule does not apply to any of the following:
- (1) An individual, business entity, or government entity using radon resistant new construction techniques during new construction;

- (2) An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases;
 - (3) An individual, business entity, or government entity practicing in accordance with section 3723.03 of the Revised Code and paragraph (D) of this rule as a radon tester, mitigation specialist, or mitigation contractor under a license issued by another state; or
 - (4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with section 3723.04 of the Revised Code.
- (C) Paragraph (A)(5) of this rule does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor.
- (D) Pursuant to division (B) of section 3723.02 of the Revised Code and paragraph (B)(3) of this rule, an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester, mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under Chapter 3723. of the Revised Code and this chapter for not more than ninety consecutive days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor, if the director finds that the requirements for licensure in that state are comparable to the requirements for licensure under Chapter 3723. of the Revised Code and this chapter and the individual, business entity, or government entity provides notice to the director, in accordance with this paragraph, prior to commencing practice in this state.

R.C. 3723.02 Required licenses; exemptions

(A) Except as otherwise provided in this section:

- (1) No individual shall perform radon testing, or hold himself out as performing radon testing, without a valid radon tester or mitigation specialist license.
- (2) No individual shall provide professional or expert advice on radon testing, radon exposure, or health risks related to radon exposure, or hold himself out as providing such advice, without a radon tester or mitigation specialist license.
- (3) No individual shall provide on-site supervision of radon mitigation, or hold himself out as providing such supervision, without a radon mitigation specialist license.
- (4) No individual shall provide professional or expert advice on radon mitigation or radon entry routes, or hold himself out as providing such advice, without a radon mitigation specialist license.
- (5) No business entity or government entity shall perform or authorize any individual employed by it to perform radon mitigation, or hold itself out as performing radon mitigation, without a valid radon mitigation contractor license.

(B) Division (A) of this section does not apply to any of the following:

- (1) An individual, business entity, or government entity using techniques during new construction designed to prevent or reduce radon infiltration in the new construction;
- (2) An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases;
- (3) An individual, business entity, or government entity practicing in accordance with section 3723.03 of the Revised Code as a radon tester, mitigation specialist, or mitigation contractor under a license issued by another state;
- (4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with section 3723.04 of the Revised Code.

(C) Division (A)(5) of this section does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor.

R.C. 3723.03 Out-of-state licenses

Pursuant to division (B) of section 3723.02 of the Revised Code, an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester, mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under this chapter for not more than ninety days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor, if the director of health finds that the requirements for licensure in that state are comparable to the requirements for licensure under this chapter and the rules adopted under it and the individual, business entity, or government entity provides notice to the director of health, in accordance with rules adopted under section 3723.09 of the Revised Code, prior to commencing practice in this state.

R.C. 3723.04 Radon testing and mitigation without license

(A) Pursuant to division (B) of section 3723.02 of the Revised Code, an individual, business entity, or government entity conducting research regarding radon testing or mitigation may perform radon testing or mitigation without a license, if the owner or occupant of the building or real property where the research is to be conducted consents after being informed in writing of all of the following:

- (1) That the individual, business entity, or government entity is not licensed to perform radon testing or mitigation;
- (2) That the results of any testing are not valid for use in any contract or legal document as evidence of the presence or absence of radon in the building or real property;
- (3) That any mitigation methods used are experimental and may not be successful.

(B) Radon test results obtained pursuant to this section are not valid for use in any contract or legal document as evidence of the presence or absence of radon in the building or real property tested.

(C) No licensed radon mitigation specialist shall provide advice regarding radon mitigation on the basis of any radon test performed pursuant to this section.

(D) No licensed radon mitigation contractor shall perform radon mitigation on the basis of any radon test performed pursuant to this section.

R.C. 3723.05 Prohibitions

(A) No licensed radon tester shall use the services of a radon laboratory that has not been approved under section 3723.07 of the Revised Code.

(B) No licensed radon mitigation contractor shall do any of the following:

- (1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;
- (2) Provide radon testing services other than through the employment of a licensed radon tester or mitigation specialist;
- (3) Provide advice regarding radon testing, radon exposure, or health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist;
- (4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.

(C) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor involved in the testing of a particular building, or in the provision of advice with respect to a particular building, shall be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following:

- (1) That the radon tester, mitigation specialist, or mitigation contractor was involved in the testing or provision of advice that led to the mitigation contract;
- (2) The advantages of long-term testing and the value of a second opinion as ways to verify test results and to assure that the proposed mitigation is appropriate, especially when the mitigation is to be performed by the tester, mitigation specialist, or mitigation contractor that was involved in the testing or provision of advice that led to the mitigation contract.

(D) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor shall perform radon testing or mitigation or provide any advice related to radon, radon testing, or radon mitigation unless it is performed in accordance with the requirements of this chapter and the rules adopted under it.

(E) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor shall violate any requirement of this chapter or any rule adopted under it.

R.C. 3723.06 Licensure

(A) The director of health shall license radon testers, mitigation specialists, and mitigation contractors. Each applicant for a license shall submit a completed application to the director on a form the director shall prescribe and furnish.

(B) In accordance with rules adopted by the public health council under section 3723.09 of the Revised Code, the director shall issue the appropriate license to each applicant that pays the license fee prescribed by the council, meets the licensing criteria established by the council, and complies with any other licensing and training requirements established by the council. An individual, business entity, or government entity may hold more than one license issued under this section, but a separate application is required for each license.

(C) Notwithstanding division (B) of this section, the director shall issue a radon mitigation contractor license on request to the holder of a radon mitigation specialist license if the license holder is the owner or chief stockholder of a business entity for which he is the only individual who will work as a radon mitigation specialist. The licensing criteria and any other licensing and training requirements the individual was required to meet to qualify for the radon mitigation specialist license are hereby deemed to satisfy any and all criteria and requirements for a radon mitigation contractor license. A license issued under this division shall expire at the same time as the individual's radon mitigation specialist license. No license fee shall be imposed for a license issued under this division.

(D) A license issued under this section expires biennially and may be renewed by the director in accordance with criteria and procedures established by the public health council under section 3723.09 of the Revised Code and on payment of the license renewal fee prescribed by the council.

(E) In accordance with Chapter 119. of the Revised Code, the director may do either of the following:

- (1) Refuse to issue a license to an individual, business entity, or government entity that does not meet the requirements of this chapter or the rules adopted under it or has been in violation of those requirements;
- (2) Suspend, revoke, or refuse to renew the license of an individual, business entity, or government entity that is or has been in violation of the requirements of this chapter or the rules adopted under it.

R.C. 3723.07 Training courses; radon laboratories

The director of health shall approve all of the following:

- (A) Licensure training courses for radon testers and mitigation specialists;
- (B) Training courses for employees of mitigation contractors;
- (C) Radon laboratories.

Each applicant for approval shall submit a completed application to the director on a form the director shall prescribe and furnish.

R.C. 3723.08 Powers and duties of health department

(A) The director of health shall do all of the following:

- (1) Administer the radon licensing program established by this chapter and enforce the requirements of this chapter and the rules adopted under it;
- (2) Examine records of radon testers, mitigation specialists, mitigation contractors, and operators of radon laboratories and training courses approved under section 3723.07 of the Revised Code as he considers necessary to determine whether they are in compliance with the requirements of this chapter and the rules adopted under it;
- (3) Coordinate the radon licensing program with any radon programs in schools;
- (4) Collect and disseminate information relating to radon in this state;
- (5) Conduct research on indoor radon contamination, which may include a statewide survey.

(B) The director of health may do any of the following:

- (1) Employ individuals with training necessary to implement the requirements of this chapter and the rules adopted under it, and pay the license fee or license renewal fee established under section 3723.09 of the Revised Code for any such employee who is required to be licensed under this chapter;
- (2) Conduct inspections as he considers necessary to determine whether the requirements of this chapter and the rules adopted under it have been met;
- (3) Conduct training programs and establish and collect fees to cover the cost of conducting them;
- (4) Advise, consult with, cooperate with, and enter into contracts or grant agreements with any individual, business entity, government entity, interstate agency, or the federal government as he considers appropriate to fulfill the requirements of this chapter and the rules adopted under it;
- (5) Consult with and seek recommendations from the radiation advisory council established under section 3748.20 of the Revised Code with respect to the implementation of this chapter;
- (6) Delegate his authority and duties under this chapter to any division, bureau, agency, or employee of the department of health;
- (7) Collect information required to be reported to him under any rules adopted under section 3723.09 of the Revised Code.

R.C. 3723.10 Complaints

Any individual, business entity, or government entity may file a complaint with the director of health concerning any radon tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or a training course approved under section 3723.07 of the Revised Code. The complainant's name shall be confidential and shall not be released without his written consent.

The director may investigate complaints and take action under section 3723.06, 3723.07, or division (A)(1) of section 3723.08 of the Revised Code as he considers necessary and appropriate.

R.C. 3723.11 List of licensees

The director of health shall maintain a list of all licensed radon testers, mitigation specialists, and mitigation contractors. On request, the director shall provide a copy of all or part of the list to any individual, business entity, or government entity. The director shall not impose a charge for providing the copy that exceeds the actual and necessary expense of copying it.

R.C. 3723.12 Confidentiality of information

(A) The director of health, any employee of the department of health, or any individual, business entity, or government entity with which the director enters into an agreement under division (B)(4) of section 3723.08 of the Revised Code, shall not release information collected pursuant to this chapter concerning a specific building used as a private residence or the real property upon which it is located to anyone other than the owner or occupant of the building or real property without their consent, unless the director determines that the release is necessary for use in conducting legitimate scientific studies, or the information is released in summary statistical or other form that does not reasonably tend to disclose the address of the building or real property or the identity of the owner or occupant.

(B) The department of health shall maintain information collected pursuant to this chapter and the rules adopted under it for at least five years. The department may destroy any such information that it has maintained for five years.

R.C. 3723.13 Examination of records

If the director of health requests to examine such records, no licensed radon tester, mitigation specialist, mitigation contractor, or operator of a radon laboratory or a training course approved under section 3723.07 of the Revised Code shall fail to make available to the director any records pertinent to the activities regulated by this chapter and the rules adopted under it.

R.C. 3723.14 Radon program fund

There is hereby created in the state treasury the radon program fund. All fees collected pursuant to this chapter; civil penalties assessed under section 3723.16 of the Revised Code; fines imposed under section 3723.99 of the Revised Code; and any grant, contribution, or other moneys received by the director of health for the purposes of this chapter shall be credited to the fund. Moneys credited to the fund shall be used only for administration and enforcement of the requirements of this chapter and the rules adopted under it.

R.C. 3723.17 Limitation of liability

(A) If radon testing or mitigation is performed or any related advice is provided in accordance with any procedures established under federal law or the Revised Code, the liability of a licensed radon tester, mitigation specialist, or mitigation contractor for injury, death, or loss to person or property allegedly caused by or otherwise related to radon testing or mitigation or related advice is limited to liability for actions or omissions that are established, by a preponderance of the evidence, to have been negligent. Establishment by a preponderance of the evidence that actions or omissions relating to radon testing or mitigation or related advice were at the time of occurrence in accordance both with generally accepted practice and with any procedures established under federal law or the Revised Code creates a rebuttable presumption that the actions or omissions were not negligent.

(B) The liability of an individual or business entity, other than the owner or occupant of the affected building or real property, contracting with a licensed radon tester, mitigation specialist, or mitigation contractor for injury, death, or loss to person or property allegedly caused by the radon tester, mitigation specialist, or mitigation contractor is limited to actions or omissions that the individual or business entity knew, or reasonably should have known, were not, at the time of occurrence, in accordance with generally accepted practice or with any procedures established under federal law or the Revised Code.

(C) This section governs all claims for injury, death, or loss to person or property arising from radon testing or mitigation or the provision of any related advice.

R.C. 3723.99 Penalties

Whoever violates division (A) of section 3723.02, division (C) or (D) of section 3723.04, section 3723.05, or section 3723.13 of the Revised Code is guilty of a misdemeanor of the first degree. Each day of violation is a separate offense.

R.C. § 3748.20 Radiation advisory council

(A) The governor, with the advice and consent of the senate, shall appoint a radiation advisory council, which shall consist of the following members:

- (10) One individual who has recognized ability and credentials in the field of radon measurement, mitigation, or health risk management;

R.C. § 5302.30

(D)(1) Prior to July 1, 1993, the director of commerce, by rule adopted in accordance with Chapter 119. of the Revised Code, shall prescribe the disclosure form to be completed by transferors. The form prescribed by the director shall be designed to permit the transferor to disclose material matters relating to the physical condition of the property to be transferred, including, but not limited to, the source of water supply to the property; the nature of the sewer system serving the property; the condition of the structure of the property, including the roof, foundation, walls, and floors; the presence of hazardous materials or substances, including lead-based paint, asbestos, urea-formaldehyde foam insulation, and radon gas; and any material defects in the property that are within the actual knowledge of the transferor.

Oregon**O.R.S. § 433.521 Indoor air quality standards; establishment; content**

(1) Based upon the recommendations of the Indoor Air Pollution Task Force, the Oregon Health Authority may establish indoor air quality standards for significant indoor air pollutants. If established, the standards:

- (a) Shall include an adequate margin of safety;
- (b) Shall be adequate to protect the population, including sensitive groups; and
- (c) May be revised as appropriate.

(2) If established, indoor air quality standards shall be at least for the following significant indoor air pollutants:

- (a) Particulate matter;
- (b) Aldehydes;
- (c) Radon;
- (d) Carbon monoxide;
- (e) Carbon dioxide;
- (f) Ozone; and
- (g) Water vapor.

(3) In developing the indoor air quality standards, the authority shall consult with the Department of Environmental Quality, the Department of Consumer and Business Services and the Indoor Air Pollution Task Force.

(4) The standards established by the authority shall not take effect before July 1, 1991. The authority shall seek voluntary compliance with the standards.

O.R.S. § 105.464 Form of seller's property disclosure statement

A seller's property disclosure statement must be in substantially the following form:

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

*F. Has any portion of the property Yes No Unknown been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?

Pennsylvania

35 P.S. § 7502 Radon Gas Demonstration Project

(a) The Department of Environmental Resources shall have the power and its duty shall be to develop and implement, in cooperation with the United States Government and private industry, methods of remedial action to reduce unsafe levels of naturally occurring radon gas in residential buildings. The department may enter into contracts with builders, remodelers and other private contractors to assist the department in developing experimental or prototypic systems of remedial action. Such systems shall be installed or incorporated into occupied residential buildings with the permission of the owners. Upon completion, any and all materials so incorporated shall become fixtures of the property and shall not be removed without the consent of the property owner.

(b) The department shall establish minimum standards for materials and craftsmanship of contractors participating in this project. In addition, the department shall advise homeowners, in areas known to be affected by high radon concentrations, of ways to avoid unscrupulous or unqualified contractors.

35 P.S. § 7503. Low-interest home improvement loans

(a) The Pennsylvania Housing Finance Agency is hereby authorized to establish a low-interest loan program to assist persons whose residences have been infiltrated by dangerous levels of **radon** gas to finance home improvements designed to either prevent such infiltration or avoid dangerous concentrations of radon gas from accumulating.

(b) The Pennsylvania Housing Finance Agency shall administer a low-interest loan program pursuant to the provisions of Article IV-B of the act of December 3, 1959 (P.L. 1688, No. 621), known as the Housing Finance Agency Law.

(c) The Department of Environmental Resources shall establish minimum standards for materials and craftsmanship of contractors providing home improvements financed pursuant to this section and may assist the Pennsylvania Housing Finance Agency in the administration of the low-interest loan program.

63 P.S. § 2002 Legislative findings and intent

(a) Findings.--The General Assembly finds and declares as follows:

- (1) Radon levels in public and private buildings can present a significant health risk to the occupants.
- (2) Property owners in affected areas should have their residences and other buildings tested for radon levels.
- (3) Property owners do contract for measures to test and to reduce levels in specific buildings.
- (4) Private consultants and firms do perform radon testing or remedial work or radon testing and remedial work.

(5) There is a need to assure property owners that the consultants and firms are qualified to perform the services.

(b) Intent.--It is the intention of the General Assembly and the purpose of this act to protect property owners from unqualified or unscrupulous consultants and firms by requiring the Department of Environmental Resources to establish and carry out a program of certification of persons who perform radon progeny testing or carry out remedial radon measures.

63 P.S. § 2006. Certification required for testing and mitigation

(a) General rule.--Beginning 60 days after the establishment of the interim certification program by the department under section 11, [FN1] no person who is not certified under section 11, or who is not certified under section 4 or 5 [FN2] after certification programs are established under these sections, shall test for, mitigate or safeguard a building from the presence of radon gas and radon progeny.

(b) Exception.--Subsection (a) shall not apply to either of the following:

(1) A person performing testing or mitigation on a building which the person owns.

(2) A builder utilizing preventative or safeguarding measures in new construction.

[FN1] 63 P.S. § 2011.

[FN2] 63 P.S. §§ 2004 or 2005.

63 P.S. § 2007. Disclosure of information to department

A person certified under sections 4, 5 and 11 [FN1] to provide testing or mitigation services shall, within 45 days of the date the services are provided, disclose to the department the address or location of the building, the name of the owner of the building where the services were provided and the results of any tests performed.

63 P.S. § 2009. Confidentiality of data

Except for use in conducting legitimate scientific studies, as determined by the department, data relating to individuals and data relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this act shall be considered confidential by the department. The department shall not release the data in its possession to anyone other than the owner of the property.

63 P.S. § 2013. Rules and regulations

The department shall adopt rules and regulations to administer and enforce this act. The rules and regulations shall include, but not be limited to, provisions relating to the following subjects:

(1) Qualifications and minimum experience requirements.

(2) Proficiency testing.

(3) Periodic recertification.

(4) Measures for decertification.

(5) Truth in advertising requirements.

Rhode Island

R.I. Admin. Code 31-1-25:A.2.2 Variance Procedures.

IN PART:

(a) The licensing Agency may grant a variance either upon its own motion or upon the request of the applicant from the provisions of any rule or regulation herein, if it finds in specific cases, that a literal enforcement of such provisions will result in unnecessary hardship to the applicant. A variance shall not be granted if it is contrary to the public interest and/or health and safety of the public. The provisions of

this section shall not be applicable to the requirements of Part B of these regulations pertaining to licensing and certification.

R.I. Admin. Code 31-1-25:A.3. Radon Standards.

A.3.1 **Air Standard.** The indoor air standard for naturally occurring radon gas or radon progeny in buildings covered by these regulations shall be less than 4 pCi/L (0.02 WL) as an annual average.

A.3.2 **Water Standard.** The radon in water standard will be adopted into these regulations once the standard is promulgated by EPA.

Gen. Laws 1956, § 5-20.8-2. Disclosure requirements

(a) As soon as practicable, but in any event no later than prior to signing any agreement to transfer real estate, the seller of the real estate shall deliver a written disclosure to the buyer and to each agent with whom the seller knows he or she or the buyer has dealt in connection with the real estate. The written disclosure shall comply with the requirements set forth in subsection (b) of this section and shall state all deficient conditions of which the seller has actual knowledge. The agent shall not communicate the offer of the buyer until the buyer has received a copy of the written disclosure and signed a written receipt of the disclosure. If the buyer refuses to sign a receipt pursuant to this section, the seller or agent shall immediately sign and date a written account of the refusal. The agent is not liable for the accuracy or thoroughness of representations made by the seller in the written disclosure or for deficient conditions not disclosed to the agent by the seller.

(b)(1) The Rhode Island real estate commission may approve a form of written disclosure as required under this chapter or the seller may use a disclosure form substantially conforming to the requirements of this section. The following provisions shall appear conspicuously at the top of any written disclosure form: "Prior to the signing of an agreement to transfer real estate (vacant land or real property and improvements consisting of a house or building containing one to four (4) dwelling units), the seller is providing the buyer with this written disclosure of all deficient conditions of which the seller has knowledge. This is not a warranty by the seller that no other defective conditions exist, which there may or may not be. The buyer should estimate the cost of repair or replacement of deficient conditions prior to submitting an offer on this real estate. The buyer is advised not to rely solely upon the representation of the seller made in this disclosure, but to conduct any inspections or investigations which the buyer deems to be necessary to protect his or her best interest." Nothing contained in this section shall be construed to impose an affirmative duty on the seller to conduct inspections as to the condition of this real estate.

(2) The disclosure form shall include the following information:

(xii) Radon--(Test, Company) "Radon has been determined to exist in the State of Rhode Island. Testing for the presence of radon in residential real estate prior to purchase is advisable."

Gen. Laws 1956, § 23-1-5.1 Laboratory testing services

(a) The director of health is authorized to provide, upon request, testing for all private water supplies used as sources of drinking water. This testing shall be on a voluntary basis and does not confer upon the director or department of health jurisdiction over that private water supply, in addition to that provided for elsewhere.

(b) The director is further authorized to provide, upon request, testing for public water supplies used as sources of drinking water. The testing shall be on a voluntary basis and does not confer upon the director or department of health jurisdiction over public water supplies in addition to that provided for elsewhere.

(c) The director of health is further authorized to provide, upon request, testing for other substances of public health concern such as radon in air, lead in paint and soil, and other indoor air pollutants. The testing shall be on a voluntary basis and does not confer upon the director or department of health any additional jurisdiction.

(d) The director is further authorized to establish fees by regulation. The fees as established by the director shall be related to the costs incurred in operating the program and may include administrative, personnel, equipment, and any other related costs necessary to carry out the provisions of this section of the law. All fees collected under this section shall be placed into the general fund.

Gen. Laws 1956, § 23-61-1 Legislative intent

The general assembly recognizes that radon is an odorless, colorless, tasteless, and radioactive gas that occurs naturally in soil and groundwater; that radon enters homes and buildings through openings in foundations, decays to form radon progeny, and unless vented to the atmosphere, accumulates in buildings and becomes hazardous to human health, and prolonged exposure to elevated concentrations of radon decay products has been associated with increases in the risk of lung cancer. The general assembly recognizes that there is a need to protect human health and prevent exposure to elevated concentrations of radon.

Gen. Laws 1956, § 23-61-2. Declaration of purpose

The purpose of this chapter is to protect the public health and public interest by establishing a comprehensive program to reduce exposure to radon/radon progeny levels in public and high priority buildings and to ensure that all radon/radon progeny mitigation activity in these buildings is conducted only by appropriately trained and licensed/certified personnel. The goal of this chapter is to reduce the incidence of lung cancer due to radon/radon progeny exposure in Rhode Island to the greatest extent feasible.

Gen. Laws 1956, § 23-61-3. Definitions

For purposes of this chapter:

(8) "Radon" means the radioactive noble gas radon 222.

(9) "Radon progeny" means the short-lived radionuclides formed as a result of the decay of Radon 222, including Polonium 218, Bismuth 214, lead 214 and Polonium 214.

(10) "Radon/radon progeny mitigation" means any actions or measures taken and any materials or equipment installed, the purpose of which is to reduce levels of radon gas and/or radon progeny in the air or water supply of a building, or to prevent entry of radon or radon progeny into the indoor atmosphere.

Gen. Laws 1956, § 23-61-4. Authority of the director

The director is authorized to:

(1) Designate a unit within the department to administer the provisions of this chapter and provide that unit with the necessary staff, equipment, and operating funds.

(2) Receive and administer funding allocated for radon control programs by the state, agencies of the federal government and other appropriate funding sources.

(3) Require the owner of any public or high priority building to perform such tests for radon as he or she may determine to be necessary to characterize the exposure of occupants to radon/radon progeny in the air of the building and/or in the building water supply.

(4) Conduct a voluntary radon/radon progeny testing program for residents of owner occupied residential dwellings in the state.

(5) Enter any public or high priority building in the state in accordance with §§ 23-61-7(a)(1)



and 23-61-7(b)(4) to perform such tests for radon as he or she may determine to be necessary to evaluate the exposure of occupants to radon/radon progeny in the air of the building and/or in the building water supply.

(6) Institute a public information program to include a telephone information service, written materials, and media advertisements with the purpose of informing the public regarding radon/radon progeny health effects, the necessity for testing of homes and other buildings, the recommended practices for reducing elevated levels of radon and related issues.

(7) Develop and forward for adoption by the state building code commission recommendations for standards of new construction designed to prevent or more easily mitigate elevated radon/radon progeny levels.

(8) Issue regulations for the following purposes:

(i) To establish indoor environmental air exposure standards and guidelines for radon and radon progeny;

(ii) To establish a drinking water standard for radon;

(iii) To establish criteria for air and water sampling, and testing for radon and radon progeny;

(iv) To establish criteria for notification of the department of mitigation activities to reduce radon/radon progeny exposures in high priority buildings and public water supplies;

(v) To establish criteria for licensure and certification of persons involved in radon/radon progeny testing and mitigation services;

(vi) To require radon/radon progeny testing by appropriate school officials of each area within public and private schools occupied by children in pre-kindergarten through 12th grade;

(vii) To establish work practices and procedures for mitigation of radon/radon progeny in buildings;

(viii) To establish procedures for notifications required by § 23-61-6;

(ix) To assess fees for activities authorized by this chapter.

(9) In promulgating standards, guidelines and regulations and in setting fees authorized by this chapter, the director shall:

(i) Give due consideration to recommendations, standards, guidelines and definitions of other states and the United States;

(ii) Shall follow the provisions of chapter 35 of title 42.

Gen. Laws 1956, § 23-61-5. Licensing and certification

(a) All persons providing or offering to provide the following services must be certified or licensed in accordance with regulations adopted pursuant to the authority conferred by this chapter:

(1) Screening sampling/testing of air for radon/radon progeny;

(2) Diagnostic sampling/testing of air for radon/radon progeny;

(3) Mitigation planning services for radon/radon progeny;

(4) Training courses offered for the purpose of meeting any of the licensing and/or certification requirements mandated by this chapter.

(b) The director may assess fees for licenses and certifications issued in accordance with regulations promulgated pursuant to the authority conferred by this section, provided that those fees are assessed only after procedures in accordance with chapter 35 of title 42 have been followed. The fees collected shall be deposited in a restricted receipt account as provided for under § 23-61-8 of this chapter.

(c) Any person, firm, corporation, or other entity who shall perform or otherwise engage in:

(1) screening sampling/testing of air for radon/radon progeny;



- (2) diagnostic sampling testing of air for radon/radon progeny;
- (3) mitigation planning services for radon/radon progeny; or
- (4) training courses offered for the purpose of meeting any of the licensing and/or certification requirements mandated by this chapter:

- (i) without a license shall be fined five hundred dollars (\$500) for each offense and shall be ordered to forfeit all fees derived from such activity for the first offense and shall be fined one thousand dollars (\$1,000) for the second and each subsequent offense and shall be ordered to forfeit all fees derived from such activity on the second and subsequent offenses. The attorney general is authorized to pursue forfeiture actions against all violators and also to apply for and obtain injunctive relief against continuing violations of this section.

(d) All fines and all fees that have been forfeited under this section shall be placed in the state general fund.

(e) The requirements of this section shall not apply to: (a) those individuals testing or mitigating a private residence owned or leased by the individual who is performing the testing or mitigation; or (b) any individual testing their own living area.

Gen. Laws 1956, § 23-61-6. Notification to the department

The owner of any public and high priority building who intends to take measures, including but not limited to renovation of the building for the purpose of reducing radon/radon progeny levels and/or installation of recognized radon mitigation systems, must submit formal notification to the department prior to commencing the radon/radon progeny mitigation activities.

Gen. Laws 1956, § 23-61-7. Radon inspections

(a) The director, or his or her designee, is authorized to inspect any public or high priority building, during business hours, or by appointment at another time agreed to by the inspector and the owner, occupant or other person in charge of the building. The owner, occupant or other person in charge of the building shall, upon presentation of proper identification by the state inspector, for the limited purpose of inspection for elevated radon/radon progeny levels, grant the inspector entry and free access to every part of the building where elevated radon/radon progeny levels may pose a hazard. If any owner, occupant or other person in charge of the building fails or refuses to permit such access and entry to the building under his or her control, or any part thereof, the state inspector may, upon showing that probable cause exists for the inspection and for the issuance of a court order directing compliance with the inspection requirements of this section, petition and obtain an order from a court of competent jurisdiction. Any person refusing to comply with an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(b) The director shall establish regulations requiring the evaluation of all public and high priority buildings for elevated levels of radon/radon progeny and/or adequacy of any radon/radon progeny mitigation activities.

Gen. Laws 1956, § 23-61-9. Use of the radon control appropriations

Funds appropriated shall be used to carry out the provisions of this chapter, including but not limited to, personnel costs, operating costs, and capital expenditures associated with the regulatory and public education mandates placed on the department by this chapter, as well as the development and implementation of the building codes for radon resistant construction. The department is further authorized to enter into contracts for the purpose of: developing building codes for radon resistant buildings; developing construction techniques for mitigation of radon in existing buildings; conducting

training relevant to all changes in building codes adopted pursuant to authority conferred by this chapter; and to otherwise carry out the mandates of this chapter.

Gen. Laws 1956, § 42-72.1-5. General licensing provisions

(9) A license under this chapter shall be granted to a school age child day care program without the necessity for a separate fire, building, or radon inspection, when said child day care program is conducted at a Rhode Island elementary or secondary school which has already been found in compliance with said inspections, provided that an applicant complies with all other provisions of DCYF regulations, or has been granted appropriate variances by the department.

South Carolina

S.C. Code 1976 § 27-50-40

(A) The owner of the real property shall furnish to a purchaser a written disclosure statement. The disclosure statement must contain the language and be in the form promulgated by the commission and the form may be delivered electronically through the Internet or other similar methods. The commission may charge a reasonable fee for the printed form but shall post the form for free downloading on its public website. The disclosure statement must include, but is not limited to, the following characteristics and conditions of the property:

(6) presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material, buried or covered, and other environmental contamination;

South Dakota

SDCL § 43-4-44. Property condition disclosure statement

The following form shall be used for the property condition disclosure statement:

III.SYSTEMS/UTILITIES INFORMATION

26. Radon System _____

IV. HAZARDOUS CONDITIONS

Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?

3. Radon Gas (House) _____

4. Radon Gas (Well) _____

D. HAZARDOUS CONDITIONS

Are there any existing hazardous conditions of the property such as methane gas, lead paint, radon gas in the house or well, radioactive material, a landfill mineshaft, expansive soil, toxic materials, urea formaldehyde foam insulation, asbestos insulation, or buried fuel or chemical storage tanks?

Yes _____ No _____ Unknown _____

Have any tests been performed? Yes _____ No _____ Unknown _____

Explain:

SDCL § 45-6B-7. Reclamation plan--Contents

The reclamation plan shall be based on provision for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator. Reclamation is required on all affected lands except as provided in §§ 45-6B-8 and 45-6B-9. The reclamation plan shall include:

(9) The baseline water quality and water level of all areas of aquifers potentially affected by the proposed mining operation. The Department of Environment and Natural Resources may designate, from the parameters set forth below, which parameters must be provided. The applicant shall use testing methods designated by the department:

(bb) Radon

Tennessee

T. C. A. § 49-2-121. School indoor air quality

Each LEA is encouraged to conduct an inspection and evaluation program, such as the environmental protection agency's indoor air quality tools for schools program, for its facilities. Such program may include, but shall not be limited to, the following measures:

- (1) Ensuring that an adequate amount of outdoor air is being supplied;
- (2) Testing for radon;
- (3) Separating students and staff from construction and renovation areas;
- (4) Reducing use of products, such as adhesives, floor-care products and pesticides that require ventilation during use; and
- (5) Maintaining relative humidity to an appropriate level during hot and humid summers.

Texas

V.T.C.A., Health & Safety Code § 401.233. Tier 1 Criteria

(a) The commission shall consider as tier 1 criteria:

- (3) the adequacy of plans for the collection of prelicense monitoring data and background monitoring plans for the disposal facility site, including analysis of the ambient conditions of the site and established trends of the site's natural parameters, including:
 - (B) radon gas levels;

V.T.C.A., Property Code § 5.008. Seller's Disclosure of Property Condition

(a) A seller of residential real property comprising not more than one dwelling unit located in this state shall give to the purchaser of the property a written notice as prescribed by this section or a written notice substantially similar to the notice prescribed by this section which contains, at a minimum, all of the items in the notice prescribed by this section.

(b) The notice must be executed and must, at a minimum, read substantially similar to the following:

4. Are you (Seller) aware of any of the following conditions?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

___ Radon Gas

Utah

UT Code Ann. § 26-7-7. Radon Awareness Campaign

The department of health shall, in consultation with the Division of Radiation Control, develop a statewide electronic awareness campaign to educate the public regarding:

- (1) the existence and prevalence of radon gas in buildings and structures;
- (2) the health risks associated with radon gas;
- (3) options for radon gas testing; and
- (4) options for radon gas remediation.

UT Code Ann. Construction Trades Licensing Act § 58-55-305. Exemptions from licensure

(h)(i)(ii)(G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor.



Virginia

VA Code Ann. § 22.1-138. Minimum standards for public school buildings

- A. The Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code.
- B. B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the United States Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A of this section. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health.

VA Code Ann. § 32.1-228.1. Department designated state radiation control agency; powers and duties

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

6. Maintain, revise as needed, and make available to the public a list of persons who have been listed as proficient to offer screening, testing, or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association, or the National Radon Safety Board Certified Radon Professional Program, or any other proficiency program acceptable to the Board of Health.

VA Code Ann. § 32.1-229. Powers and duties of the Board.

The Board shall:

1. Establish a program of effective regulation of sources of radiation for the protection of the public health and safety, including a program of education and technical assistance relating to radon that is targeted to those areas of the Commonwealth known to have high radon levels.
2. Establish a program to promote the orderly regulation of radiation within the Commonwealth, among the states and between the federal government and the Commonwealth and to facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplication of regulation may be minimized.
3. Establish a program to permit maximum utilization of sources of radiation consistent with the public health and safety.
4. Promulgate regulations providing for (i) general or specific licenses to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment utilizing, by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially, (ii) registration of the possession of a source of radiation and of information with respect thereto, and (iii) regulation of by-product, source and special nuclear material.
5. Encourage, participate in and conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation.
6. Establish fee schedules for the licensure of radioactive materials.
7. Establish guidelines to require the licensed facilities or physicians' offices where mammography services are performed to offer to the patient, prior to departure, development of such films to ensure



integrity and quality of the film. When film developing is not available or the patient chooses not to wait, the patient shall be notified within two business days if another mammogram is necessary. This requirement does not imply or require that a diagnostic opinion be made at the time of the mammogram. The interpreting physician may require that the mammogram be retaken if, in the opinion of the physician, the study is of inadequate quality.

8. Issue such orders or modifications thereof as may be necessary in connection with proceedings under this title.

VA Code Ann. § 32.1-229.01. Companies listed as proficient to perform radon screening, testing or mitigation; compliance

A. No person shall conduct or offer to conduct any radon screening, testing or mitigation in the Commonwealth unless he has been listed as proficient by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board of Health to offer such screening, testing or mitigation.

B. Radon professionals listed as proficient pursuant to subsection A shall comply with the radon mitigation and testing standards outlined in the Environmental Protection Agency's publication, EPA 402-R-93-078, as revised, or the American Society for Testing and Materials (ASTM International) Standard, E-2121-02, or any other radon testing and mitigation standards accepted by the Environmental Protection Agency and the Board.

VA Code Ann. § 32.1-229.01:1. Action for damages

Any person who engages or otherwise uses the radon screening, testing, or mitigation services of a person misrepresenting his proficiency listing to conduct such services as described in § 32.1-229.01 may bring an action to recover the greater of (i) actual damages sustained, together with costs and reasonable attorneys' fees, or (ii) \$100.

Washington

West's RCWA 4.24.560. Defense to action for injury caused by indoor air pollutants

It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure on which construction was begun on or after July 1, 1991, that the builder or design professional complied in good faith, without negligence or misconduct, with:

- (1) Building product safety standards, including labeling;
- (2) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and
- (3) The ventilation and radon resistive construction requirements adopted under RCW 19.27.190.

West's RCWA 19.27.190. Indoor air quality--Interim and final requirements for maintenance

(1)(a) Not later than January 1, 1991, the state building code council, in consultation with the *department of community, trade, and economic development, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

(e) The interim requirements for all newly constructed residential buildings shall include standards for indoor air quality pollutant source control, including the following requirements: All structural panel components of the residence shall comply with appropriate standards for the emission of formaldehyde; the back-drafting of combustion by-products from combustion appliances shall be minimized through

the use of dampers, vents, outside combustion air sources, or other appropriate technologies; and, in areas of the state where monitored data indicate action is necessary to inhibit indoor radon gas concentrations from exceeding appropriate health standards, entry of radon gas into homes shall be minimized through appropriate foundation construction measures.

West's RCWA 64.06.020. Improved residential real property--Seller's duty--Format of disclosure statement--Minimum information

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

I. SELLER'S DISCLOSURES:

Yes No Don't know

*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

West's RCWA 70.162.005. Finding--Intent

The legislature finds that many Washington residents spend a significant amount of their time working indoors and that exposure to indoor air pollutants may occur in public buildings, schools, work places, and other indoor environments. Scientific studies indicate that pollutants common in the indoor air may include radon, asbestos, volatile organic chemicals including formaldehyde and benzene, combustion by-products including carbon monoxide, nitrogen oxides, and carbon dioxide, metals and gases including lead, chlorine, and ozone, respirable particles, tobacco smoke, biological contaminants, micro-organisms, and other contaminants. In some circumstances, exposure to these substances may cause adverse health effects, including respiratory illnesses, multiple chemical sensitivities, skin and eye irritations, headaches, and other related symptoms. There is inadequate information about indoor air quality within the state of Washington, including the sources and nature of indoor air pollution.

The intent of the legislature is to develop a control strategy that will improve indoor air quality, provide for the evaluation of indoor air quality in public buildings, and encourage voluntary measures to improve indoor air quality.

West Virginia

W. Va. Code, § 16-2-2. Definitions

Unless the context in which used clearly requires a different meaning, as used in this article:

(l) "Enhanced public health services" means services that focus on health promotion activities to address a major health problem in a community, are targeted to a particular population and assist individuals in this population to access the health care system, such as lead and radon abatement for indoor air quality and positive pregnancy tracking. Enhanced public health services are services a local health department may offer;

W. Va. Code, § 16-34-1. Legislative finding

The Legislature hereby finds and declares that radon is a dangerous toxic substance and harmful to the citizens of this state. Therefore, to help ensure the protection of the citizens of this state, persons who come into contact with radon through remediation or testing should be trained and licensed professionals who know how to deal with radon.

It is the intent of the Legislature that this article is be in addition to all other statutes and rules relating to radon.

W. Va. Code, § 16-34-2. Definitions

- (d) "Mitigate" means to repair or alter an existing building or design for the purpose, in whole or in part, of reducing the concentration of radon in the indoor atmosphere.
- (e) "Radon" means the radioactive noble gas radon-222 and the short-lived radionuclides which are products of radon-222 decay, including polonium-218, lead-214, bismuth-214 and polonium-214.
- (f) "Radon laboratory" means a business entity that offers its laboratory services for the purpose of studying air, soil samples or passive radon detection devices to determine the concentration of radon.
- (g) "Radon mitigation contractor" means a business entity having at least one person licensed as a radon mitigation specialist.
- (h) "Radon mitigation specialist" means a person holding a license to install or apply methods or materials to reduce airborne radon concentrations in a building or to prevent the entry of radon into the indoor atmosphere.
- (i) "Radon testers" means a business entity or person licensed to examine a building, air, soil or water for the presence of radon, including taking air, soil or water samples, or the act of diagnosing the cause of radon contamination in a building.
- (k) "Test" means the act of examining a building, soil or air for the presence of radon, including taking air or soil samples, or the act of diagnosing the cause of radon contamination in a building.

W. Va. Code, § 16-34-3. License required and exemptions

- (a) Except as otherwise provided in subsection (b) of this section:
 - (1) No individual may perform radon testing or hold himself or herself out as performing radon testing without a valid radon tester or mitigation specialist license;
 - (2) No individual may provide professional or expert advice on radon testing, radon exposure or the health risks related to radon exposure or hold himself or herself out as providing such advice without a valid radon tester or mitigation specialist license;
 - (3) No individual may provide on-site supervision of radon mitigation or hold himself or herself out as providing such supervision without a valid radon mitigation specialist license;
 - (4) No individual may provide professional or expert advice on radon mitigation or radon entry routes or hold himself or herself out as providing such advice without a valid radon mitigation specialist license;
 - (5) No business or government entity may perform or authorize any individual employed by it to perform radon mitigation or hold itself out as performing radon mitigation without a valid radon mitigation contractor license; and
 - (6) No laboratory shall perform analyses of radon air and soil samples or radon detection devices for the purpose of assessing radon content without a valid radon laboratory license.
- (b) Subsection (a) of this section does not apply to any of the following:
 - (1) An individual, business entity or government entity performing its own radon tests or mitigation on a building or real property that the individual, business entity or government entity owns or leases;
 - (2) An individual, business entity or government entity conducting research regarding radon testing or mitigation in accordance with section four of this article; or
 - (3) Employees of the department of health and human resources' radiological health program.

W. Va. Code, § 16-34-4. Special licensure requirements

- (a) No licensed radon mitigation contractor may do any of the following:

- (1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;
- (2) Provide radon testing other than through the employment of a licensed radon tester or mitigation specialist;
- (3) Provide advice regarding radon testing, radon exposure or the health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist; or
- (4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.

(b)(1) No licensed radon tester, licensed radon mitigation specialist or licensed radon mitigation contractor involved in the testing of a particular building, or in the provision of advice with respect to a particular building, may be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following in language approved by the director:

- (A) That the radon tester, mitigation specialist or mitigation contractor was involved in the testing or provision of advice that led to the mitigation contract; and
- (B) The advantage of long-term testing and the value of a second opinion as ways to verify testing results and to assure that the proposed mitigation is appropriate, especially when the mitigation is to be performed by the tester, mitigation specialist or mitigation contractor that was involved in the testing or provision of advice that led to the mitigation contract.

(2) For purposes of this subsection, a radon tester, mitigation specialist or mitigation contractor involved in testing or providing advice with respect to a particular building will be considered to be "involved in the performance of mitigation on that building" if he or she has any ownership interest in, or has any contractual or employment relationship with, the individual or entity providing the mitigation.

(c) No licensed radon tester, licensed radon mitigation specialist or licensed radon mitigation contractor may perform radon testing or mitigation or provide any advice related to radon, radon testing or radon mitigation unless it is performed in accordance with the requirements of this article and the rules adopted under this article.

(d) No licensed radon tester, licensed radon mitigation specialist, licensed radon mitigation contractor or licensed radon laboratory may violate any requirement of this article or any rule adopted under it.

W. Va. Code, § 16-34-5. Powers and duties of the director of the division of health

(a) The director shall license radon testers, mitigation specialists, mitigation contractors and radon laboratories located within the state. Each applicant for a license shall submit a completed application to the director on a form prescribed and furnished by the director.

(c) Notwithstanding subdivision (1), subsection (a), section three of this article, the director shall issue a radon mitigation contractor license on request to the holder of a radon mitigation specialist license if the license holder is the owner or chief stockholder of a business entity for which he or she is the only individual who will work as a radon mitigation specialist. The licensing criteria and any other licensing and training requirements that the individual was required to meet to qualify for the radon mitigation specialist license are hereby considered to satisfy any and all criteria and requirements for a radon mitigation contractor license. A license issued under this section expires at the same time as the individual's radon mitigation specialist license.

(j) The director shall do all of the following:

- (1) Administer the radon licensing program established by this article and enforce the requirements of this article and the rules adopted under this article;
- (2) Examine the records of radon testers, mitigation specialists, mitigation contractors and radon laboratories and training courses approved under section seven of this article as he or she

considers necessary to determine whether they are in compliance with the requirements of this article and the rules adopted under this article;

(3) Coordinate the radon licensing program with any radon programs in schools;

(4) Collect and disseminate information relating to radon in this state; and

(5) Conduct research on indoor radon contamination, which may include a statewide survey on radon contamination.

W. Va. Code, § 16-34-7. Complaints

(a) Any individual, business entity or government entity may file a complaint with the director concerning any radon tester, mitigation specialist, mitigation contractor or a radon laboratory or a training course approved under section six of this article. The complainant's name shall be confidential and shall not be released without his or her written consent. The director shall investigate complaints and take action under this article.

(b) If a radon tester, mitigation specialist, mitigation contractor or radon laboratory violates any rules promulgated pursuant to this article and as a result of the violation harms or injures in any manner an individual or business entity, that radon tester, mitigation specialist, mitigation contractor or radon laboratory shall be considered to have committed an unfair act or practice within the meaning of section one hundred four, article six, chapter forty-six-a of this code.

W. Va. Code, § 16-34-8. Licensed tester, mitigator and contractor list

The director shall maintain a list of all licensed radon testers, mitigation specialists, mitigation contractors and radon laboratories located in the state. On request, the director shall provide a copy of all or part of the list to any individual, business entity or government entity. The director shall not impose a charge for providing the copy that exceeds the actual and necessary expense of copying it.

W. Va. Code, § 16-34-9. Record keeping and confidentiality

(a) The director, any employee of the department of health and human resources, or any individual, business entity or government entity with which the director enters into an agreement under subdivision (3), subsection (k), section five of this article, shall not release information collected pursuant to this article concerning a specific building used as a private residence or the real property upon which it is located to anyone other than the owner or occupant of the building or real property without his or her consent: Provided, That the director may release information if he or she determines that the release is necessary for use in conducting legitimate scientific studies or the information is released in summary statistical or other form that does not reasonably tend to disclose the address of the building or real property or the identity of the owner or occupant.

(b) The division of health shall maintain information pursuant to this article and the rules adopted under this article for at least three years. The division may destroy any information that it has maintained for three years.

W. Va. Code, § 16-34-10. Special revenue account

The funds collected from the fees applicable in this article shall be deposited in a special revenue account in the state treasury to be used by the secretary and dedicated to the purposes of this article which include, but are not limited to, licensing, training, enforcement and program development for radon.

W. Va. Code, § 16-34-11. Reciprocity

The director may set standards for accepting licenses issued by other states. The director may grant licenses to individuals from other states if that other state has licensing requirements which are as

stringent as the licensing requirements in this state.

W. Va. Code, § 16-34-12. Records review

If the director requests to examine records, no licensed radon tester, mitigation specialist, mitigation contractor or operator of a radon laboratory or a training course approved under section six of this article shall fail to make available to the director any records pertinent to the activities regulated by this article and rules adopted under it.

W. Va. Code, § 16-34-13. Reprimands; suspension or revocation of license; orders; hearings

(a) The director shall suspend or revoke the license of or reprimand a radon tester, mitigator, contractor or laboratory if the licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license;
- (2) Fails at any time to meet the qualifications for a license or to comply with the requirements of this article or any applicable rules adopted by the secretary;
- (3) Fails to meet applicable federal or state standards for radon testing or radon mitigation; or
- (4) Employs or permits an individual without a radon tester's license or a radon mitigator's license to supervise work on a radon project.

(b) The director shall investigate all alleged violations reported to the division of health. Upon the finding of a violation in connection with any project involving radon testing or mitigation, the director shall issue a cease and desist order directing that all work be halted immediately. Where practicable, the director shall deliver a copy of the order by certified mail, return receipt requested, to the radon tester and radon mitigator.

(c) Hearings regarding violations of this article shall be conducted in accordance with the administrative procedures act of chapter twenty-nine-a of this code.

W. Va. Code, § 16-34-14. Penalties

Any person violating any of the provisions of this article, or any of the rules or orders issued pursuant to this article, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than two hundred fifty dollars for each violation.

W. Va. Code, § 18-9E-3. Air quality in new schools

(b) Upon notice from the school building authority that a new public school building is occupied, the division of health shall perform radon testing in the school within the first year after occupancy and at least every five years thereafter. The county board shall provide any reasonable assistance to the division of health that is necessary to perform the radon testing. The radon testing shall include all major student-occupied areas at or below grade level. If it is determined that radon is present in amounts greater than the amount determined to be acceptable by the rules promulgated by the school building authority, pursuant to subsection (d) of this section, any industry accepted mitigation technique shall be used to reduce the radon level to the level or below the level determined acceptable by the school building authority.

(c) If the school building authority determines that it is feasible to test for radon prior to the construction of a school building, the school building authority may cause preconstruction site testing for radon to be performed.

(d) The school building authority shall promulgate rules pursuant to article three-a, chapter twenty-nine-a of this code to ensure that any new school building designed after the effective date of this article is designed and constructed in accordance with the current ASHRAE, NFPA and BOCA standards. The school building authority shall promulgate rules, pursuant to article three-a, chapter twenty-nine-a of this code, that establish standards for safe levels of radon for public school buildings. The rules shall

include the requirement that county boards submit all new school designs to the school building authority for review and approval for compliance with current education standards and design efficiencies prior to preparation of final bid documents.

W. Va. Code, § 48-15-201. Licenses subject to action

The following licenses are subject to an action against a license as provided for in this article:

(11) A license issued under article thirty-two or thirty-four, chapter sixteen of this code authorizing persons to pursue a trade or vocation in asbestos abatement or radon mitigation;

Wisconsin

W.S.A. 254.34. Powers and duties

(1) The department is the state radiation control agency and shall do all of the following:

(h) With respect to radon and with the department serving as the lead agency, do all of the following:

1. Develop and disseminate current radon information to the news media, builders, realtors and the general public.
2. Coordinate a program of measuring radon gas accumulation, including use of the radon canister counting system, in educational institutions, nursing homes, low-income housing, public buildings, homes, private industries and public service organizations.
3. Work with staff of local health departments to perform home surveys and diagnostic measurements and develop mitigation strategies for homes with elevated radon gas levels.
4. Develop training materials and conduct training of staff of local health departments, building contractors and others in radon diagnosis and mitigation methods.
5. Develop standards of performance for the regional radon centers and, from the appropriation account under s. 20.435(1)(ed), distribute funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

W.S.A. 709.03. Report form

The report required under s. 709.02 shall be in substantially the following form and shall include at least all of the following information:

- C. 15. I am aware of a defect caused by unsafe concentrations of, or unsafe conditions relating to, radon, radium in water supplies, lead in paint, lead in soil, lead in water supplies or plumbing system or other potentially hazardous or toxic substances on the premises.

District of Columbia

DC ST § 28-4201. Proficiency requirement.

(a) No person or company shall conduct or offer to conduct any radon screening, testing, or mitigation in the District for a fee unless that person has been listed as proficient by the United States Environmental Protection Agency to offer radon screening, testing, or mitigation services.

(b) The Mayor shall maintain, revise as necessary, and make available to the public a list of persons or companies who have been listed as proficient by the United States Environmental Protection Agency to offer screening, testing, or mitigation for radon.

DC ST § 28-4202. Rulemaking.

(a) The Mayor may issue proposed rules establishing radon screening, testing, or mitigation programs in the District that are in compliance with any recommendations or guidelines published by the United States Environmental Protection Agency. The proposed rules shall be submitted to the Council for a 45-day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within the 45-day period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(b) The Mayor may issue emergency rules, without prior Council approval, which shall be effective for not more than 120 days.